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MEETING NOTICE

Policy and Advocacy Committee October 10, 2008

Sheraton Pasadena 303 East Cordova Pasadena, CA 91101 (626) 449-4000

9:30 a.m. - 2:30 p.m.

- I. Introductions
- II. Review and Approval of the July 11, 2008 Policy and Advocacy Committee Meeting Minutes
- III. Review and Possible Action to Recommend Revisions to the Board's Disciplinary Guidelines
- IV. Discussion and Possible Action Regarding Use of Out-of-State Examination Sites
- V. Discussion and Possible Action of Requiring Minimum Hours of Experience Treating Families for Marriage and Family Therapist Licensure
- VI. Discussion and Possible Action Regarding the Mandatory Submission of Fingerprints for Board Licensees and Registrants
- VII. Discussion and Possible Action on Statutory Clean-up Proposals
- VIII. Update on Board Actions, Proposed Legislation, and Proposed Regulations Regarding Acceptance of Degrees Granted by Institutions Approved by the Bureau for Private Postsecondary and Vocational Education
- IX. Discussion and Possible Action of Possible Revisions to the Board's Advertising Guidelines and Regulations
- X. Budget Update
- XI. Legislative Update
- XII. Rulemaking Update
- XIII. Examination Statistics
- XIV. Suggestions for Future Agenda Items



Arnold Schwarzenegger Governor State of California State and Consumer Services Agency Department of

Consumer Affairs

XV. Public Comment for Items Not on the Agenda

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT www.bbs.ca.gov

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of Christina Kitamura at the Board of Behavioral Sciences, 1625 N. Market Boulevard, Suite S-200, Sacramento, CA 95834, or by phone at 916-574-7835, no later than one week prior to the meeting. If you have any questions please contact the Board at (916) 574-7830.





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To: Policy and Advocacy Committee Members Date: September 30, 2008

From: Tracy Rhine Telephone: (916) 574-7847

Legislative Analyst

Subject: Review and Possible Action to Recommend Revisions to the Board's

Disciplinary Guidelines

Overview

The Board of Behavioral Sciences is a consumer protection agency with the primary mission of protecting consumers by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction. One of the Board's highest priorities is to protect consumers by employing its authority to investigate complaints and take disciplinary action against licensees, registrants and applicants for licensure who endanger the health and safety of the consumer.

Business and Professions Code Sections 4982, 4989.54, and 4992.3 specify the grounds for which the Board may discipline a Marriage and Family Therapist, Licensed Clinical Social Worker, Licensed Educational Psychologist, Registered Marriage and Family Therapist Intern, and Associate Clinical Social Worker.

The Board's Disciplinary Guidelines are utilized by Board staff, Deputy Attorneys General, Administrative Law Judges, licensees and attorneys to assist in determining the penalties in the disciplinary process against Marriage and Family Therapists, Licensed Clinical Social Workers, Licensed Educational Psychologists, Registered Marriage and Family Therapist Interns, and Associate Clinical Social Workers.

The Disciplinary Guidelines indicate the minimum and maximum discipline that may be imposed for each violation of the Board's laws and regulations. The Disciplinary Guidelines also contain standard and optional terms and conditions that may be imposed if the respondent is placed on probation. "Standard" terms and conditions of probation are applied in all settlements where a period of probation is granted. The "optional" terms and conditions of probation are incorporated in the settlement based on the circumstances specific to the case.

The Board's Disciplinary Guidelines are incorporated by reference in California Code of Regulations, Division 18, Title 16, Section 1888. The Board adopted Disciplinary Guidelines in 1997. The most recent revision was in May 2004.

With recent changes to the Board's statutes and regulations staff revisited the 2004 Disciplinary Guidelines and provided suggested revisions. Revisions from the Enforcement Analysts' are noted in the attached Disciplinary Guidelines. Proposed additions are provided in blue underlined text and suggested deletions are identified in red strikeout text.

Previous Action

At the July 11, 2008 Policy and Advocacy meeting the committee discussed the proposed changes to the Disciplinary Guidelines and directed the staff to make the following changes:

- Allow supervision to be provided by a licensed mental health professional that is not in the same field as the respondent;
- Allow a supervisor or psychotherapist to have a prior relationship with the respondent;
- Allow supervision by videoconferencing; and,
- Allow education ordered as a term of probation to be provided by a program approved by the Board to allow the board to explore optional providers for ordered courses.

These changes have been included in this draft of the Disciplinary Guidelines.

Issues

At its July 11, 2008 meeting the committee discussed the issue of the availability of educational courses required of probationers. Probation agreements commonly require additional education such as law and ethics, record keeping and boundaries. The language in the current guidelines requires that these courses be taken at the graduate level institution. The problem is that these courses, with the exception of law and ethics, are not offered at graduate level institutions.

The Committee discussed the Board consulting with experts to develop a curriculum for a board provided course.

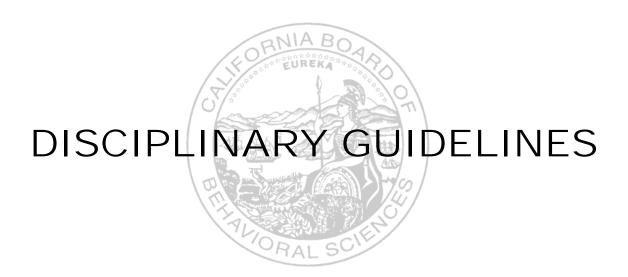
Requested Action

Please provide comments and suggestions on issues, direct staff to finalize revisions and make recommendation to the Board to begin the regulatory process to amend California Code of Regulations, Division 18, Title 16, Section 1888.

Attachment:

Disciplinary Guidelines (revised May 21, 2004)

State of California Department of Consumer Affairs Board of Behavioral Sciences



Revised: May 21, 2004

INTRODUCTION

The Board of Behavioral Sciences (hereinafter "the Board") is a consumer protection agency with the primary mission of protecting consumers by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction. In keeping with its mandate, the Board has adopted the following recommended guidelines for the intended use of those involved in the disciplinary process: Administrative Law Judges, licensees respondents and attorneys involved in the discipline process, as well as Board members who review proposed decisions and stipulations and make final decisions.

These guidelines consist of two parts: an identification of the types of violations and range of penalties, for which discipline may be imposed (Penalty Guidelines); and model language for proposed terms and conditions of probation (Model Disciplinary Orders).

The Board expects the penalty imposed to be commensurate with the nature and seriousness of the violation.

These penalty guidelines apply only to the formal disciplinary process and do not apply to other alternatives available to the Board, such as citations and fines. See Business and Professions Code Section 125.9 and Title 16 California Code of Regulations Section 1886.

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PENALTY GUIDELINES

The following is an attempt to provide information regarding violations of laws statutes and regulations under the jurisdiction of the Board of Behavioral Sciences and the appropriate range of penalties for each violation. Each penalty listed is followed in parenthesis by a number, which corresponds with a number under the chapter "Model Disciplinary Orders." Examples are given for illustrative purposes, but no attempt is made to catalog all possible violations. Optional conditions listed are those the Board deems most appropriate for the particular violation; optional conditions not listed as potential minimum terms, should nonetheless be imposed where appropriate. The Board recognizes that the penalties and conditions of probation listed are merely guidelines and that individual cases will necessitate variations which take into account unique circumstances.

If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that the Administrative Law Judge hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the Administrative Law Judge in the Proposed Decision so that the circumstances can be better understood by the Board during its review and consideration of the Proposed Decision.

MODEL DISCIPLINARY ORDERS

Model Disciplinary Orders are divided into two categories. The first category consists of **Optional Terms and Conditions of Probation** that may be appropriate as demonstrated in the Penalty Guidelines depending on the nature and circumstances of each particular case. The second category consists of the **Standard Terms and Conditions of Probation** which must appear in all Proposed Decisions and proposed stipulated agreements.

To enhance the clarity of a Proposed Decision or Stipulation, the Board requests that all optional conditions (1-16) that are being imposed be listed first in sequence followed immediately by all of the standard terms and conditions, which include cost recovery (17-32).

OPTIONAL TERMS AND CONDITIONS OF PROBATION

Depending on the nature and circumstances of the case, the optional terms and conditions of probation that may appear are as follows:

- 1. Actual suspension
- 2. Psychological / Psychiatric evaluation
- 3. Psychotherapy
- 4. Supervised Practice
- 5. Education
- 6. Take and Pass licensure examinations
- 7. Rehabilitation Program
- 8. Abstain from Controlled Substances/Submit to Biological Fluid Testing and Samples
- 9. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples
- 10. Restricted Practice
- 11. Restitution
- 12. Reimbursement of Probation Program
- 13. Physical Evaluation
- 14. Monitor Billing System
- 15. Monitor Billing System Audit
- 16. Law and Ethics Course

1. Actual Suspension

A.	practice of for a period of days.
OR	
B.	Commencing from the effective date of this decision, respondent shall be suspended from the practice of for a period of days, and such additional time as may be necessary to obtain and review psychological or_psychiatric evaluation, to implement any recommendations from that evaluation, and to successfully complete the required licensure examinations as a condition precedent to resumption of practice as outlined in condition # (Take and pass licensure examinations).

2. Psychological / Psychiatric Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

Note: If supervised practice is not part of the order, and the evaluator finds the need for supervised practice, then the following term shall be added to the disciplinary order. If a psychological or psychiatric evaluation indicates a need for supervised practice, (within 30 days of notification by the Board), respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the respondent's practice will be supervised.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

(FYI: The Board requires the appointment of evaluators who have appropriate knowledge, training, and experience in the area involved in the violation).

3. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Counseling shall be <u>face-to-face</u>, or <u>with the written permission of the Board via videoconferencing</u>, and shall occur at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

Within 60 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, nor shall the psychotherapist be the respondent's supervisor.

Option No. 1:

Respondent may, after receiving the Board's written permission, secure a therapist with whom a prior business or professional relationship exists if respondent's good faith attempts to secure a psychotherapist with no prior business or professional relationship are unsuccessful due to the quantity or availability of qualified health care professionals in the area. The Board may require that respondent provide written documentation of his or her good faith attempts to locate a mental health professional with no prior business or professional relationship with respondent.

Option No. 2:

Respondent may, after receiving the Board's written permission, secure a therapist with whom a prior business or professional relationship exists if respondent's attempts to secure a psychotherapist with no prior business or professional relationship are unsuccessful. For the purpose of this section, "unsuccessful" means respondent has been unable to secure a psychotherapist within a 50 mile radius of his or her home that has no prior business, personal or professional relationship with respondent (or insert other criteria). The Board may require that respondent provide written documentation of his or her good faith attempts to locate a mental health professional with no prior business or professional relationship with respondent.

Respondent shall provide the therapist with a copy of the Board's decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified respondent that he/she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

(FYI: The Board requires that therapists have appropriate knowledge, training and experience in the area involved in the violation).

4. Supervised Practice

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent. Respondent may, after receiving the Board's written permission, secure a supervisor with whom a prior business or professional relationship exists or a supervisor not licensed in the respondent's field of practice if respondent is unsuccessful in securing a supervisor with no prior business or professional relationship in the respondent's field of practice due to the quantity or availability of qualified health care professionals in the area. The Board may require that respondent provide written documentation of his or her good faith attempts to locate a mental health professional with no prior business or professional relationship with respondent. Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

[Optional - Respondent shall not practice until he/she has received notification that the Board has approved respondent's supervisor.]

5. Education

Respondent shall take and successfully complete the equivalency of _____ semester units in each of the following areas _____. All course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker or educational psychologist, or through a course approved by the Board. Classroom attendance must be specifically required; workshops are not acceptable. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision.

Within 90 days of the effective date of the decision respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

(FYI: This term is appropriate when the violation is related to record keeping, which includes but is not limited to: recordkeeping, documentation, treatment planning, progress notes, security of records, billing, and reporting requirements.)

6. Take and Pass Licensure Examinations

Respondent shall take and pass the licensure exam(s) currently required of new applicants for the license possessed by respondent. Respondent shall not practice until such time as respondent has taken and passed these examinations. Respondent shall pay the established examination fees. If respondent has not taken and passed the examination within twelve months from the effective date of this decision, respondent shall be considered to be in violation of probation.

7. Rehabilitation Program

Within fifteen (15) days from the effective date of the decision, respondent shall submit to the Board or its designee for prior approval the name of one or more rehabilitation program(s). Respondent shall enter a rehabilitation and monitoring program within fifteen (15) days after notification of the board's approval of such program. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board or its designee. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant.

Components of the treatment contract shall be relevant to the violation and to the respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random biological fluid testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the respondent.

8. Abstain from Controlled Substances / Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent's current employer and shall be a violation of probation.

9. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

Respondent shall immediately submit to biological fluid testing, at respondent 's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. The respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the respondent 's current employer and shall be a violation of probation.

10. Restricted Practice

Respondent's practice shall be limited to ______. Within 30 days from the effective date of the decision, respondent shall submit to the Board or its designee, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor of the restrictions imposed on their practice.

11. Restitution

Within 90 days of the effective date of this decision, respondent shall provide proof to the Board or its designee of restitution in the amount of \$______ paid to _____.

12. Reimbursement of Probation Program

Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be per year/\$ per month.

13. Physical Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a physical evaluation by such licensed physicians as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such physician shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a therapist and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the physician to release all information to the Board. Respondent shall comply with the recommendations of the physician.

If a physical evaluation indicates a need for medical treatment, within 30 days of notification by the Board, respondent shall submit to the Board or its designee the name and qualifications of the medical provider, and a treatment plan by the medical provider by which the respondent's physical treatment will be provided.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until

notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

14. Monitor Billing System

Within 30 days of the effective date of this decision, respondent shall obtain the services of an independent billing system to monitor and document the dates and times of client visits. Clients are to sign documentation stating the dates and time of services rendered by respondent and no bills are to be issued unless there is a corresponding document signed by the client in support thereof. The billing system service shall submit quarterly written reports concerning respondent's cooperation with this system. The cost of the service shall be borne by respondent.

15. Monitor Billing System Audit

Within 60 days of the effective date of this decision, respondent shall provide to the Board or its designee the names and qualifications of three auditors. The Board or its designee shall select one of the three auditors to annually audit respondent's billings for compliance with the Billing System condition of probation. During said audit, randomly selected client billing records shall be reviewed in accordance with accepted auditing/accounting standards and practices. The cost of the audits shall be borne by respondent. Failure to pay for the audits in a timely fashion shall constitute a violation of probation.

16. Law and Ethics Course

Respondent shall take and successfully complete the equivalency of two semester units in law and ethics. Course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker or educational psychologist as defined in Sections 4980.40 and 4996.18 of the Business and Professions Codes and Section 1854 of Title 16 of the California Code of Regulations or through a course approved by the Board. Classroom attendance must be specifically required; workshops are not acceptable. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. The costs associated with the law and ethics course shall be paid by the respondent. Units obtained for an approved course in law and ethics shall not be used for continuing education units required for renewal of licensure.

(FYI: This term is appropriate when the licensee fails to keep informed about or comprehend the legal obligations and/or ethical responsibilities applicable to their actions. Examples include violations involving boundary issues, transference/countertransference, breach of confidentiality and reporting requirements.)

STANDARD TERMS AND CONDITIONS OF PROBATION

The sixteen standard terms and conditions generally appearing in every probation case are as follows:

- 17. Obey All Laws
- 18. File Quarterly Reports
- 19. Comply with Probation Program
- 20. Interviews with the Board
- 21. Residing or Practicing Out-of-State
- 22. Failure to Practice- California Resident
- 23. Change of Place of Employment or Place of Residence
- 24. Supervision of Unlicensed Persons
- 25. Notification to Clients
- 26. Notification to Employer
- 27. Violation of Probation
- 28. Maintain Valid License
- 29. License Surrender
- 30. Instruction of Coursework Qualifying for Continuing Education
- 31. Notification to Referral Services
- 32. Cost Recovery

Specific Language for Standard Terms and Conditions of Probation

(To be included in all Decisions)

17. Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

18. File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether he/she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

19. Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the program.

20. Interviews with the Board

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

21. Residing or Practicing Out-of-State

In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4980.02, 4986.10 4989.14 or 4996.9 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in practice within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California total two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

(OPTIONAL)

Any respondent disciplined under Business and Professions Code Sections 141(a), 4982.25, 4992.36 or 4986.70 4989.54(h), 4989.54(i) (another state discipline) may petition for modification or termination of penalty: 1) if the other state's discipline terms are modified, terminated or reduced; and 2) if at least one year has elapsed from the effective date of the California discipline.

22. Failure to Practice- California Resident

In the event respondent resides in the State of California and for any reason respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30

calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4980.02, 4986.10 or 4996.9 4989.14 of the Business and Professions Code.

23. Change of Place of Employment or Place of Residence

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.

24. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this Decision.

25. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

(FYI: Respondents should seek guidance from Board staff regarding appropriate application of this condition).

26. Notification to Employer

Respondent shall provide each of his or her current or future employers, when performing services that fall within the scope of practice of his or her license, a copy of this Decision and the Statement of Issues or Accusation before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

27. Violation of Probation

If respondent violates the conditions of his/her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation/suspension) of respondent 's license [or registration] provided in the decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's license [or registration] or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, respondent's license [or registration] shall be fully restored.

28. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active license with the Board, including any period during which suspension or probation is tolled. Should respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this probation not previously satisfied.

29. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and if applicable wall certificate to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Respondent may reapply Should respondent at any time after voluntary surrender ever reapply to the Board for licensure three years from the date of surrender, respondent and must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

30. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

31. Notification to Referral Services

Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the Board that respondent seeks

to join.

32. Cost Recovery

Respondent shall pay the Board \$	as and for the reasonable costs of the
investigation and prosecution of Case No	Respondent shall make such
payments as follows: [Outline payment schedul	le.] Respondent shall make the check or
money order payable to the Board of Behaviora	I Sciences and shall indicate on the check or
money order that it is the cost recovery paymen	t for Case No Any order for
payment of cost recovery shall remain in effect v	whether or not probation is tolled. Probation
shall not terminate until full payment has been n	nade. Should any part of cost recovery not be
paid in accordance with the outlined payment so	chedule, respondent shall be considered to be
in violation of probation. A period of non-practic	e by respondent shall not relieve respondent
of his or her obligation to reimburse the board for	or its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

BOARD POLICIES AND GUIDELINES

ACCUSATIONS

The Board of Behavioral Sciences (Board) has the authority pursuant to Section 125.3 of the Business and Professions Code to recover costs of investigation and prosecution of its cases. The Board requests that this fact be included in the pleading and made part of the accusation.

STATEMENT OF ISSUES

The Board will file a Statement of Issues to deny an application of a candidate for the commission of an act, which if committed by a licensee would be cause for license discipline.

STIPULATED SETTLEMENTS

The Board will consider entering into stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to settlement with the Board, he or she may be required to admit to the violations set forth in the Accusation. The Deputy Attorney General must accompany all proposed stipulations submitted with a memo addressed to Board members explaining the background of the case, defining the allegations, mitigating circumstances, admissions, and proposed penalty along with a recommendation.

RECOMMENDED LANGUAGE FOR LICENSE SURRENDERS

"Admission(s) made in the stipulation are made solely for the purpose of resolving the charges in the pending accusation, and may not be used in any other legal proceedings, actions or forms, except as provided in the stipulation.

The admissions made in this stipulation shall have no legal effect in whole or in part if the Board does not adopt the stipulation as its decision and order.

Contingency

This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his/her counsel. By signing the stipulation, Respondent understands and agrees that he/she may not withdraw his/her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

Respondent fully understands that when the Board adopts the license surrender of respondent's license, respondent will no longer be permitted to practice as a _____ in California. Respondent further understands that the license surrender of his or her license, upon adoption, shall be considered to be a disciplinary action and shall become a part of respondent 's license history with the Board.

The respondent further agrees that with the adoption by the Board of his or her license surrender,

respondent may not petition the Board for reinstatement of the surrendered license.

Should respondent at any time after this surrender ever reapply to the Board for licensure, respondent must meet all current requirements for licensure including, but not limited, to filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

Respondent understands that should he or she ever reapply for licensure as a _____ or should he or she ever apply for any other registration or licensure issued by the Board, or by the Board of Psychology, all of the charges contained in Accusation No.____ shall be deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny such application or reapplication."

RECOMMENDED LANGUAGE FOR REGISTRATION APPLICANTS

IT IS HEREBY ORDERED THAT Respondent be issued a Registration as a . Said Registration shall be revoked. The revocation will be stayed and Respondent placed on years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is issued a subsequent registration or becomes licensed during the probationary period.

RECOMMENDED LANGUAGE FOR REGISTRANTS

IT IS HEREBY ORDERED THAT	Registration Number	issued to Respondent
is revoked. The	revocation will be stayed and resp	oondent placed on
years probation with the following t	terms and conditions. Probation s	hall continue on the same
terms and conditions if Respondent is iss	sued a subsequent registration or l	pecomes licensed during
the probationary period		-

Proposed Decisions

The Board requests that proposed decisions include the following if applicable:

- A. Names and addresses of all parties to the action.
- B. Specific Code section violated with the definition of the code in the Determination of Issues.
- Clear description of the acts or omissions that constitute a violation.
- D. Respondent's explanation of the violation in the Findings of fact if he or she is present at the hearing.
- E. Explanation for deviation from the Board's Disciplinary Guidelines.

When a probation order is imposed, the Board requests that the Order first list the Optional Terms and Conditions (1-16) followed by the Standard Terms and Conditions (17–22) as they may pertain to the particular case. If the respondent fails to appear for his or her scheduled hearing or does not submit a notice of defense, such inaction shall result in a default decision to revoke licensure or deny application.

REINSTATEMENT / REDUCTION OF PENALTY HEARINGS

The primary concerns of the Board at reinstatement or penalty relief hearings are (1) the Rehabilitation Criteria for Suspensions or Revocations identified in Title 16, California Code of Regulations Section 1814, and (2) the evidence presented by the petitioner of his or her rehabilitation. The Board is not interested in retrying the original revocation or probation case. The Board shall consider, pursuant to Section 1814, the following criteria of rehabilitation:

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any acts committed subsequent to the acts or crimes under consideration as grounds for suspension or revocation under Section 490 of the Code.
- (3) The time that has elapsed since commission of the acts or crimes giving rise to the suspension or revocation.
- (4) Whether the licensee has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent, or immaterial.
- (7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.
- (8) Evidence, if any, of rehabilitation submitted by the licensee.

In the Petition Decision the Board requires a summary of the offense and the specific codes violated which resulted in the revocation, surrender, or probation of the license.

In petitioning for Reinstatement or Reduction of Penalty under Business and Professions Code Section 4982.2, the petitioner has the burden of demonstrating that he or she has the necessary and current qualifications and skills to safely engage in the practice of marriage and family therapy, clinical social work, or educational psychology within the scope of current law, and accepted standards of practice. In reaching its determination, the Board considers various factors including the following:

- A. The original violations for which action was taken against the petitioner's license;
- B. Prior disciplinary and criminal actions taken against the petitioner by the Board, any State, local, or Federal agency or court;
- C. The petitioner's attitude toward his or her commission of the original violations and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts;
- D. The petitioner's documented rehabilitative efforts;
- E. Assessment of the petitioner's rehabilitative and corrective efforts;
- F. In addition, the Board may consider other appropriate and relevant matters not reflected above.

If the Board should deny a request for reinstatement of a revoked license or reduction of penalty (modification or termination of probation), the Board requests the Administrative Law Judge provide

technical assistance in the formulation of language clearly setting forth the reasons for denial.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such proceeding shall go forth without the petitioner's presence and the Board will issue a decision based on the written evidence and oral presentations submitted.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982.26 LCSW: B&P § 4992.33 LEP: B&P § 4986.71 B&P § 4989.58 GP: B&P § 729	Engaging in Sexual Contact with Client / Former Client	 Revocation / Denial of license or registration Cost recovery. 	Revocation / Denial of license or registration Cost recovery. The law requires revocation/denial of license or registration. The Board considers this reprehensible offense to warrant revocation/denial.
MFT: B&P § 4982(aa)(1) LCSW: B&P § 4992.3(x)(1) LEP: B&P § 4989.54(y)(1)	Engaging In Act with a Minor Punishable as a Sexually Related Crime Regardless of Whether the Act occurred prior to or after registration or licensure. or Engaging in act described in Section 261, 286, 288a, or 289 of the Penal code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the Board.	Revocation / Denial of license or registration Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.	 Revocation / Denial of license or registration Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.
MFT: B&P § 4982(k), 4982.26 LCSW: B&P § 4992.3(k), 4992.33	Sexual Misconduct (Anything other than as defined in B&P Section 729)	Revocation stayed 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation successfull completion the required Take and pass licensure examinations as a condition precedent to resumption of practice 7 years probation Standard terms and conditions Psychological/psychiatric evaluation as a condition precedent to resumption of practice Supervised practice Supervised practice Psychotherapy	 Revocation / Denial of license or registration Cost recovery. (See B&P 4982.26, 4986.71, 4989.58 4992.33) The Board considers this reprehensible offense to warrant revocation/denial.

		Education Take and pass licensure examination Reimbursement of probation program And if warranted, enter and complete a rehabilitation program approved by the Board; abstain from controlled substances/use of alcohol, submit to biological fluid testing and samples; restricted practice, reimbursement of probation program costs.	
MFT: B&P § 4982(k) LCSW: B&P § 4992.3(k)	Commission of an Act Punishable as a Sexually Related Crime	 Revocation stayed 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation Psychotherapy 5 years probation; standard terms and conditions Psychological/psychiatric evaluation as a condition precedent to the resumption of practice Supervised practice Education Cost recovery Reimbursement of probation program costs And if warranted, restricted practice. 	Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: B&P § 4986.70(c), 4989.26 4986.75 GP: B&P § 480, 820	Impaired Ability to Function Safely Due to Mental Illness or Physical Illness Affecting Competency or Chemical Dependency	 Revocation stayed 60-90 days actual suspension and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation and to implement any recommendations from that evaluation 5 years probation; standard terms and conditions Supervised practice Cost recovery Reimbursement of probation program costs. In addition: MENTAL ILLNESS: Psychological/psychiatric evaluation; psychotherapy. 	 Revocation / Denial of license or registration Cost recovery.

		PHYSICAL ILLNESS: Physical evaluation; and if warranted: restricted practice CHEMICAL DEPENDENCY Psychological/psychiatric evaluation; therapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid tests and samples; and if warranted: restricted practice.	
MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: B&P § 4986.70(c), 4986.75 4989.54(c), 4989.56 GP: B&P § 480	Chemical Dependency / Use of Drugs With Client While Performing Services	 Revocation stayed 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation 5 years probation Standard terms and conditions Psychological/psychiatric evaluation Supervised practice Education Supervised practice Education Rehabilitation program Abstain from controlled substances Submit to biological fluid test and samples Cost recovery Reimbursement of probation program costs And if warranted, psychotherapy; restricted practice 	Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982(i) LCSW: B&P § 4992.3(i)	Intentionally / Recklessly Causing Physical or Emotional Harm to Client	 Revocation stayed 90-120 days actual suspension 5 years probation Standard terms and conditions Supervised practice Education Take and pass licensure examinations Cost recovery Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; psychotherapy, restricted practice. 	 Revocation / Denial of license or registration application Cost recovery

21.11	With the Out		
Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(d) LCSW: B&P § 4992.3(d)	Gross Negligence / Incompetence	 Revocation stayed 60-90 days actual suspension; 5 years probation Standard terms and conditions; supervised practice Education Take and pass licensure examinations Cost recovery Reimbursement of probation program costs; And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; restricted practice. 	Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982 CCR § 1845 LCSW: B&P § 4992.3 CCR § 1881 LEP: B&P § 4986.70, B&P § 4989.54 CCR § 1858 GP: B&P § 125.6 480, 821	General Unprofessional Conduct	 Revocation stayed 60-90 days actual suspension 3-5 years probation Standard terms and conditions Supervised practice Education Cost recovery; reimbursement of probation program And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; restricted practice, law and ethics course. 	 Revocation / Denial of license or registration Cost recovery.

Statutes and Pagulations	Violation Catagory	Minimum Banalty	Maximum Panalty
Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI) MFT: B&P § 4980.40(h), 4982(a) LCSW: B&P § 4992.3(a), 4996.2(d), 4996.18(a) LEP: B&P § 4986.20(e), 4986.70(a) B&P § 4989.20(a)(3), 4989.54(a) GP: B&P § 480, 490, 493	Violation Category Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee / Registrant	Minimum Penalty Revocation stayed 60 days actual suspension 5 years probation Standard terms and conditions Supervised practice Education Cost recovery Reimbursement of probation program costs (Costs and conditions of probation depend on the nature of the criminal offense). CRIMES AGAINST PEOPLE: Add: Psychological/psychiatric evaluation; psychotherapy; restitution; and if warranted: rehabilitation program: restricted practice.	Revocation / Denial of license or registration Cost recovery.
		psychotherapy; restitution; and if warranted: rehabilitation program; restricted practice. DRUGS AND ALCOHOL: Add: Psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; and if warranted: restricted practice. FISCAL AND PROPERTY CRIMES: Add: Restitution, and if warranted: psychotherapy; take and pass licensure exams; rehabilitation program; restricted practice.	

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(j) LCSW: B&P § 4992.3(j)	Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties and Functions of License	 Revocation stayed 30-60 days actual suspension 3-5 years probation Standard terms and conditions Education Cost recovery Law and ethics course Reimbursement of probation program costs And if warranted. psychological/psychiatric evaluation; supervised practice; psychotherapy; take and pass licensure exams; restricted practice. 	 Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4980.02, 4982(I), 4982(s), 4982(t) CCR § 1845(a), 1845(b) LCSW: B&P § 4992.3(I) 4996.9 CCR § 1881(g), 1881(h) LEP: B&P § 4986.10, 4989.14 4989.54(r) CCR § 1858(i), 1858(b) 1858(j) GP: B&P § 480	Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License / Competence	 Revocation stayed 30-60 days actual suspension 3-5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; supervised practice; psychotherapy, take and pass licensure exams; restricted practice. 	Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982.25 LCSW: B&P § 4992.36 LEP: B&P § 4986.70 4989.54(h), 4989.54(i) GP: B&P § 141, 480	Discipline by Another State or Governmental Agency	Determine the appropriate penalty by comparing the violation under the other state with California law. And if warranted: take and pass licensure examinations as a condition precedent to practice; reimbursement of probation program costs.	 Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982(b) LCSW: B&P § 4992.3(b), B&P §4992.7 LEP: B&P § 4986.70(b) 4989.54(b) GP: B&P § 480, 498, 499	Securing or Attempting to Secure a License by Fraud	 Revocation / Denial of license or registration application; Cost recovery. 	 Revocation / Denial of license or registration Cost recovery.

Statutes and Regulations	Violation Category	Minimum Penalty	Maximum Penalty
Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	violation category	Willimum Femalty	maximum renaity
MFT: B&P § 4980, 4982(f)	Misrepresentation of License / Qualifications	 Revocation stayed 60 days actual suspension 3-5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs And if warranted: take and pass licensure examinations. 	 Revocation / Denial of license or registration Cost recovery.
MFT: B&P § 4982(q) LCSW: B&P § 4992.3(q) - CCR § 1881(l) LEP: CCR § 1858(n) 4989.54(s) GP: B&P § 123, 480, 496	Violates Exam Security / Subversion of Licensing Exam	 Revocation stayed 5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs 	 Revocation / Denial of license or registration Cost recovery
MFT: B&P § 4982(g) LCSW: B&P § 4992.3(g),	Impersonating Licensee / Allowing Impersonation	 Revocation stayed 60-90 days actual suspension 5 years probation Supervised practice Standard terms and conditions Psychological/psychiatric evaluation Psychotherapy Cost recovery Reimbursement of probation costs 	 Revocation / Denial of license or registration Cost recovery
MFT: B&P § 4982(h) LCSW: B&P § 4992.3(h)	Aiding and Abetting Unlicensed / Unregistered Activity	 Revocation stayed 30-90 days actual suspension 3-5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs And if warranted: supervised practice. 	 Revocation / Denial of license or registration Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(m) LCSW: B&P § 4992.3(m)	Failure to Maintain Confidentiality	 Revocation stayed 60-90 days actual suspension 3-5 years probation Standard terms and conditions Education Take and pass licensure exams Cost recovery Reimbursement of probation program costs 	 Revocation / Denial of license or registration Cost recovery
MFT: B&P § 728 LCSW: B&P § 728 GP: B&P § 480	Failure to Provide Sexual Misconduct Brochure	 Revocation stayed 1-3 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs. 	Revocation / Denial of license or registration Cost recovery
MFT: B&P § 4982(r), 4982(t), 4982(u) CCR § 1833.1, 1845(b) LCSW: B&P § 4992.3(r) LEP: CCR § 1858(j) CCR § 1881(h)	Improper Supervision of Trainee / Intern / Associate / Supervisee	 Revocation stayed 30-90 days actual suspension 2 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs And if warranted: supervised practice. 	Revocation / Denial of license or registration Cost recovery
MFT: B&P § 4982(e), 4982(u) LCSW: B&P § 4992.3(e), 4992.3(r) LEP: B&P § 4986.70(e) 4989.54(f) GP: B&P § 480	Violations of the Chapter or Regulations by icensees or Registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience	 Revocation stayed Registration on probation until exams are passed and license issued License issued on probation for one year Rejection of all illegally acquired hours Standard terms and conditions Education Cost recovery Reimbursement of probation program costs. 	Revocation / Denial of license or registration Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(o) LCSW: B&P § 4992.3(o)	Pay, Accept, Solicit Fee for Referrals	 Revocation stayed 3-5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs Law and Ethics course 	 Revocation / Denial of license or registration Cost recovery
MFT: B&P § 4982(n) LCSW: B&P § 4992.3(n) CCR § 1881(j) LEP: CCR § 1858(l) B&P § 4989.54(0)	Failure to Disclose Fees in Advance	 Revocation stayed 1 year probation Standard terms and conditions Education Cost recovery Reimbursement of probation program 	 Revocation stayed 30 days actual suspension 2 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program
MFT: B&P § 4980.46, 4982(p) LCSW: B&P § 4992.3(p) CCR § 1881(k) LEP: B&P § 4986.70(d) 	False / Misleading / Deceptive / Improper Advertising	 Revocation stayed 1 year probation Standard terms and conditions Education Cost recovery Reimbursement of probation program 	 Revocation stayed 30-60 days actual suspension 5 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs
MFT: B&P § 4982(v) LCSW: B&P § 4992.3(s) LEP: B&P § 4986.70(i) 4989.54(i)	Failure to Keep Records Consistent with Sound Clinical Judgment	 Revocation stayed 1 year probation Standard terms and conditions Education Cost recovery Reimbursement of probation program 	 Revocation stayed 30 days actual suspension 1-3 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI) MFT: B&P § 4982(y)	Violation Category Willful Violation Of Chapter 1	Minimum Penalty	Maximum Penalty
LCSW: B&P § 4992.3(v) LEP: B&P § 4989.54(x)	(Commencing With Section 123100) Of Part 1 Of Division 106 Of The Health And Safety Code	 Revocation stayed 1 year probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs 	 Revocation stayed 30 days actual suspension 1-3 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs
MFT: B&P § 4982(z) LCSW: B&P § 4992.3(w)	Failure To Comply With Section 2290.5 (Telemedicine)	 Revocation stayed 1 year probation Standard terms and conditions Education Cost recovery: Reimbursement of probation program costs. 	 Revocation stayed 30 days actual suspension 1-3 years probation Standard terms and conditions Education Cost recovery Reimbursement of probation program costs





1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Policy and Advocacy Committee Members Date: September 30, 2008

From: Paul Riches Telephone: (916) 574-7840

Executive Officer

Subject: Out-of-State Testing

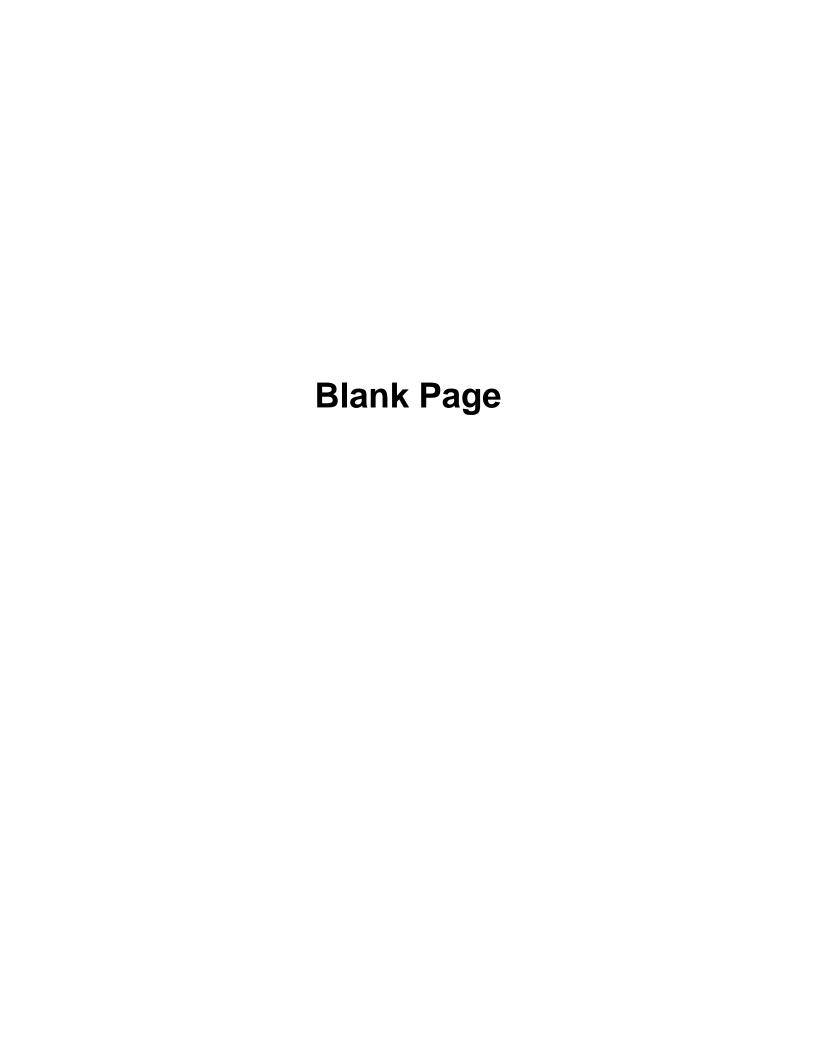
The board currently uses PSI Inc. to administer our licensing examinations. There are thirteen sites available in California for our candidates to test:

- 1. Anaheim
- 2. Atascadero
- 3. Bakersfield
- 4. Carson
- 5. El Monte
- 6. Fresno
- 7. Hayward
- 8. Redding
- 9. Riverside
- 10. Sacramento
- 11. San Diego
- 12. Santa Rosa
- 13. Santa Clara

BBS examinations are administered at these sites on a continuous basis. The departmental contract with PSI includes the ability to administer our examinations at other select PSI Inc. exam sites around the country. The available sites at this time are as follows:

- 1. Albuquerque, New Mexico
- 2. Cranberry Township, Pennsylvania (Near Pittsburgh)
- 3. Boston, Massachusetts
- 4. Atlanta, Georgia
- 5. Charlotte, North Carolina
- 6. Southfield, Michigan (Detroit Area)
- 7. West Des Moines, Iowa
- 8. Houston, Texas
- 9. Las Vegas, Nevada
- 10. Portland, Oregon

PSI Inc. can administer our examinations at these sites on the same basis as the California based sites. The change would require an amendment to the current release order for BBS under the departmental contract. There does not appear to be any major administrative hurdle to implementing this option at this time. Staff is requesting feedback from the board about offering this service to out-of-state applicants.







1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Policy and Advocacy Committee Members Date: September 30, 2008

From: Paul Riches Telephone: (916) 574-7840

Executive Officer

Subject: Requiring Family Therapy Hours for Marriage and Family Therapist Licensure

To become licensed as a marriage and family therapist (MFT) candidates must gain at least 3,000 (1,300 maximum before graduation/1,700 minimum after graduation) hours of supervised experience. This experience requirement has numerous categories of permissible experience, each with its own minimum requirement or a limit on the number of hours that may be obtained in that category. Current requirements relating to supervised experience are complex and detailed. Rather than attempt a full description here, I am attaching the student handbooks produced by the board to explain these requirements. Reading those handbooks is necessary to sort through these issues.

The primary issue is that current law does not <u>require</u> that each candidate for licensure gain experience in treating a family as a unit in therapy. Candidates are required to obtain 500 hours of supervised experience treating couples, families and children (item b above) but that requirement can be fully satisfied by treating children alone.

This issue was highlighted in the course of the MFT Education Committee meetings by both agency representatives who noted that many to most MFT Interns have little experience and less comfort in engaging a family as a unit in therapy. The experience of the board's MFT evaluators is consistent with the comments from agency representatives. A number of stakeholders have advocated that the board pursue changing the supervised experience requirements to include a mandatory minimum number of hours treating families.

In abbreviated form, the requirements are as follows:

- a. Individual Psychotherapy No limit
- b. Couples, Family and Child Psychotherapy 500 hours **minimum**
- c. Group Therapy or Counseling 500 hours **maximum**
- d. Telephone Counseling 250 hours **maximum**
- e. Telemedicine Counseling 125 hours maximum
- f. Individual Supervision 52 hours **minimum**
- g. Group Supervision No limit
- h. Workshops and Training 250 hours **maximum**
- i. Personal Psychotherapy 300 hours maximum
- j. Psychological Testing & Documentation 250 hours maximum

It seems appropriate that MFTs would be required to have some experience in treating families as a unit. However, existing requirements relating to supervised hours are already excessively complex, and staff is hesitant to suggest adding another requirement on that basis alone. Staff experience with applicants and repeated feedback from supervisors indicates that current rules for supervised experience have become unduly burdensome and confusing. Staff suggests that any further additions to the experience requirements be conditioned on a simplification of the existing rules.

A number of issues have been identified by staff (and surely there are others) that can serve as a basis for discussion:

- 1. How do we distinguish between "telephone counseling" and "telemedicine"?
- 2. What is the rationale for including "workshops and training" as qualifying experience?
- 3. Why is credit given for documentation (progress notes, process notes and clinical reports) on the same basis as administering and evaluating psychological tests?
- 4. For the purpose of counting hours, supervision hours are counted equally if spent in either group or individual supervision, but for the purpose of establishing the ratio of supervision to client contact hours it requires two hours of group supervision to equal one hour of individual supervision. What is the rationale for treating them differently?
- 5. Why are some categories of hours accepted before graduation (counseling, supervision, workshops and training, and personal psychotherapy) while others are only accepted after graduation (documentation, testing, telephone crisis counseling, telemedicine counseling)?

In addition to issues related to the categories of accepted hours, the existing supervision ratios create further complexity. MFT trainees (students accumulating experience) must have one hour of individual supervision (or two hours of group supervision) for each five hours of client contact. MFT interns must have one hour of individual supervision (or two hours of group supervision) for each 10 hours of client contact. These ratios result in most candidates having 400-500 hours of supervision.

In contrast, LCSW supervision requirements are for one hour of individual supervision (or two hours of group supervision) for the first 10 hours of **face-to-face individual or group psychotherapy** and all additional **psychotherapy** hours can be counted with one additional hour of individual supervision (or two hours of group supervision). Typical LCSW candidates will have between 150-200 hours of supervision time. While staff appreciates the uniqueness of each profession, such wide disparity in requirements for professions with overlapping scopes of practice is difficult to reconcile and merits further discussion. This is especially true given that candidates from both professions commonly work side-by-side.

At this time staff has no specific recommendations for changes to the requirements, but it does urge the committee to identify suggested areas for change. These suggestions will be developed into specific proposals for consideration at the committee's next meeting.

Marriage & Family Therapist

STUDENT HANDBOOK







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PART I

OBTAINING A MARRIAGE & FAMILY THERAPIST QUALIFYING DEGREE

The Marriage and Family Therapist (MFT) licensure process begins the moment you start taking classes in a qualifying degree program. Although licensure may be years away, knowing the requirements beforehand is important. This handbook from the California Board of Behavioral Sciences (BBS) will help you understand the process.

On Your Way

The first step is to be certain your master's or doctoral degree is from a qualifying degree-granting institution.

To check, go to the BBS Web site at: www.bbs.ca.gov/app-reg/qualify_schools.shtml.

Additional Coursework Required

In addition to a qualifying degree, the BBS requires you to complete additional courses on eight specific topics.

TIP: You can find a list of specific classes that meet these requirements online at www.bbs.ca.gov/qualify_schools.shtml. Find your school, then click on "Additional Courses Required."

You must complete the following two courses as part of your degree program before you graduate: (Note: If you completed your education out of State, you can complete these two courses after graduation.)

- Alcoholism and Chemical Substance Abuse Dependency
 (15 hours or one semester unit)
- Spousal/Partner Abuse, Detection, and Intervention (15 hours)

Note: If you began your degree program before January 1, 2004, your hours for Spousal/Partner Abuse, Detection, and Intervention can be any number of hours.

You must complete the following three courses through a BBS-approved continuing education provider (check the BBS Web site); a county, State, or government entity; or an accredited or approved college or university:

- Child Abuse Assessment and Reporting (seven hours)
- Human Sexuality (10 hours)
- Aging and Long-Term Care (10 hours)

Note: If you began your degree program before January 1, 2004, you are not required to complete Aging and Long-Term Care hours for pre-licensure, but the hours will be a continuing education requirement for your first license renewal.

You must complete these three courses at an accredited or approved college or university:

- Psychological Testing (two semester or three quarter units)
- Psychopharmacology (two semester or three quarter units)
- California Law and Professional Ethics (two semester or three quarter units)

Note: For updates regarding the status of approved schools, please visit the "News Flash" section of the BBS Web site (www.bbs. ca.gov/quick_links/news_flash.shtml).

TIP: Keep the course description and/or syllabus for the courses you believe fulfilled the requirements. The BBS may need the materials to verify the course content.

Pre-Degree Hours of Experience

As an MFT student, you may count personal psychotherapy hours and work experience as an MFT Trainee toward your supervised experience requirement.

Personal Psychotherapy

This is group or individual therapy you undergo with a licensed mental health professional. Keep track of the dates of your personal psychotherapy; you will need to log the hours on the MFT examination eligibility application. Licensed mental health professionals include Marriage and Family Therapists, Licensed Clinical Social Workers, Licensed Psychologists, and physicians nationally certified in psychiatry by the American Board of Psychiatry and Neurology.

TIP: The BBS "triple counts" personal psychotherapy hours. For example, if you completed 50 hours of personal psychotherapy, the BBS will credit you with 150 hours toward licensure. You can count a maximum of 100 personal psychotherapy hours—i.e., 300 credited hours—toward licensure.

MFT Trainee

In order to count supervision and work experience hours as an MFT Trainee, you must comply with both of the following:

- You must complete a minimum of 12 semester or 18 quarter units in a qualifying degree program.
- You must have a written agreement between the school and each work site that details each party's responsibilities, including how supervision will be provided.

As an MFT Trainee, up to 1,300 hours of work experience can be claimed in the following categories:

- A. Counseling and Supervision hours (Maximum 750 hours)
 - Individual Psychotherapy/Counseling
 - Couples, Families, and Children
 - Group Psychotherapy/Counseling
 - Telephone Counseling
 - Telemedicine Counseling
 - Supervision (both Individual and Group Supervision received)
- B. Workshops, Seminars, Training Sessions, or Conferences (Maximum 250 hours)
- C. Personal Psychotherapy (Maximum 300 hours)

Additionally, you will also accrue weeks of supervision while working as an MFT Trainee. Any week in which you meet with your supervisor for at least one hour of individual supervision or two hours of group supervision qualifies as a week of supervision. You are required to gain at least 104 weeks of supervision in addition to 3,000 hours of qualifying work experience to be eligible to sit for the MFT licensing examinations.

For more information regarding supervised experience requirements, supervision to counseling experience ratios, categorical minimums and maximums, required forms, and other resources, please refer to Part 3: Gaining Hours of Work Experience.

PART II

BECOMING A MARRIAGE & FAMILY THERAPIST INTERN

Graduating with your qualifying degree means you are ready for the next major step on your path toward MFT licensure: applying for an MFT Intern registration number.

The Intern Registration Application packet is available online at www.bbs.ca.gov/forms.shtml. When you return the application packet to BBS, it must include:

- The completed MFT Intern application
- A copy of your official transcripts in the school's sealed envelope
- A Program Certification form completed by your school
- A Live Scan receipt (retain one copy for your records)
- A check or money order for \$75

The 90-Day Window

If you apply for an MFT Intern registration number within 90 days after your degree was conferred, you can count the hours you accrue between your degree conferral date and your registration's issue date. The BBS honors the application postmark date when considering the 90-day window.

For example: The school conferred Mark's qualifying degree on May 16, 2006. He applied to be an MFT Intern on June 30, 2006. He submitted his application within 90 days after degree conferral; therefore, he may count the hours he gained between his degree conferral date and the issue date of his intern registration.

IMPORTANT: You cannot begin working in a private practice setting until you receive an MFT Intern registration number.

TIP: You can find out if you have been issued an MFT Intern registration number by looking up your name on the BBS Web site at www.bbs.ca.gov/quick_links/ weblookup.shtml.

PART III

Gaining Hours of Work Experience

You are required to gain 3,000 hours of qualifying work experience and 104 weeks of supervision to be eligible to take the MFT licensing examinations. This experience can be a combination of experience gained as an MFT Trainee and an MFT Intern. Qualifying work experience is broken down into the following categories:

A. Counseling Experience

- Individual Psychotherapy/Counseling (no minimum or maximum)
- Couples, Families, and Children (minimum 500 hours)
- Group Psychotherapy/Counseling (maximum 500 hours)
- Telephone Counseling (maximum 250 hours)
- Telemedicine Counseling (maximum 125 hours)
- B. Administrating and Evaluating Psychological Tests of Counselees, Writing Clinical Reports, Progress Notes, or Process Notes (maximum 250 hours)
- C. Workshops, Seminars, Training Sessions, or Conferences (maximum 250 hours)
- D. Personal Psychotherapy (maximum 300 hours)
- E. Supervision (both Individual and Group Supervision Hours)

Supervised Weeks

You must obtain the minimum amount of supervision in a week (one hour of individual or two hours of group) in order to claim experience in any given week. If you receive no supervision in a week, you cannot claim work experience for that week. Any week in which you obtain the minimum amount of supervision qualifies as one of 104 required weeks of supervision. Up to five hours of supervision each week can be counted towards your required 3,000 hours of work experience.

Also, be aware that of the 104 required weeks of supervision, 52 weeks must be weeks in which you met with an individual supervisor for at least an hour.

Supervision – Counseling Experience Ratios

The law requires Trainees and Interns to adhere to certain ratios of supervision to counseling work experience. As a Trainee, for every five hours of counseling experience you accrue, you must have one hour of individual or two hours of group supervision. After your school confers your degree and while you are registered as an Intern, you are required to obtain one hour of individual or two hours of group supervision for every 10 hours of counseling work experience.

For a detailed breakdown of qualifying work experience and supervision in chart form, see page 16.

Supervision Forms

The BBS has three basic forms you will need to use while accumulating your hours.

- Responsibility Statement Forms for Supervisors of a Marriage and Family Therapist Trainee or Intern – This form should be signed by your supervisor when supervision begins.
- Weekly Summary of Hours of Experience This form will be used regularly to log in your weekly hours.
- Marriage and Family Therapist Experience Verification –
 This form will be used to verify all the hours gained in a
 particular setting or under a particular supervisor.

Remember the Six-Year Rule

All supervised work experience must be gained no more than six years before you apply for MFT examination eligibility. The only exception is a maximum of 500 hours of pre-degree counseling work experience and supervision.

For example: The BBS receives Susan's application for MFT examination eligibility on April 27, 2008. The hours of experience Susan gained between April 27, 2002 and April 27, 2008, would meet the requirements. Outside of this six-year window, she could also count up to 500 hours of counseling and supervision hours earned as an MFT Trainee in supervised practicum.

TIP: Keep your paperwork for hours gained pre-degree separate from those gained post-degree. Doing so will speed up application processing.

Helpful Advice Relating to Gaining Your Hours of Experience

- Always renew your MFT Intern registration on time. Submit your renewal fee at least six weeks before the expiration date to ensure your registration does not expire. Hours earned under an expired MFT Intern registration will not count.
- 2. Keep track of your supervision paperwork, including all Responsibility Statements, Weekly Summaries, and Experience Verification forms. Make sure all the forms are complete and signed. You will need to submit the forms with original signatures when you apply for licensure. You will submit Weekly Summaries only if requested by the BBS.
- 3. Review the required hours of experience for licensure so that you know on which areas of work experience to focus.
- 4. Use the BBS Experience Calculator to determine how close you are to finishing your hours of work experience. You can access the calculator on the BBS Web site (www.bbs.ca.gov/app-reg/exp_calc.shtml).
- 5. Contact the BBS for Help. If you have questions and your last name begins with A-K, please call (916) 574-7854. If your last name begins with L-Z, please call (916) 574-7853.

PART IV

Applying to Take the Exams

You have completed your hours. You are now ready to submit your MFT licensure application to begin the last phase of the licensure process. You will find the application for MFT licensure in the Forms and Publications section of the BBS Web site at www.bbs.ca.gov/forms.shtml. You will need to pass a Standard Written Examination and a Written Clinical Vignette Examination before you are eligible to receive your license.

The application includes a useful checklist to ensure that you submit all of the appropriate materials.

If your application is approved, the BBS will send you a letter notifying you that you are eligible to take the examination. About two weeks later, you will receive the MFT Standard Written Examination Candidate Handbook in the mail. This handbook is your official study guide. On the back, you will find your eligibility notice and your deadline for taking the examination. This handbook, as well as the MFT Written Clinical Vignette Examination Candidate Handbook, is also available in the "Forms and Publications" section of the BBS Web site. (www.bbs.ca.gov/forms.shtml).

TIP: Do not submit an application for MFT licensure without first completing ALL pre-licensure requirements.

Important Fact

If you continue to work during the exam process, even as a volunteer, you must be supervised. You cannot practice independently unless you are licensed by the BBS.

You do not need an Intern registration number in order to take the examination, but you may need one for employment. Check with your employer.

If necessary, you may apply for a second MFT Intern registration number. However, you cannot work in a private practice setting with a second MFT Intern registration number.

If you do not pass an exam

You have up to a year to retake an examination that you did not pass. To retake a test, submit the MFT Examination/ Re-Examination form with the required \$100 fee. You will have to wait six months to retake an exam you failed.

TIP: Keep track of your deadline for taking or retaking the examination. If you miss the deadline, you will have to re-apply for examination eligibility and pay the \$100 fee again.

If you pass the MFT Standard Written Examination

Once you pass the MFT Standard Written Examination, you can apply to take the MFT Written Clinical Vignette Examination. To do so, you need to submit an MFT Examination/Re-Examination form with the required \$100 fee.

If you pass the Written Clinical Vignette Examination

If you pass, you will receive an application for your MFT initial license at the test site center. Complete the simple one-page application and submit it with the required fee. See your *MFT Clinical Vignette Examination Candidate Handbook* for specifics on the fee amount owed. Once the BBS receives this fee and processes the application, you will receive an MFT license number.

Congratulations!

Your license number will be posted on the BBS Web site before you receive your certificates in the mail. To find out if a license has been issued, check the BBS Web site at www.bbs.ca.gov/quick_links/weblookup.shtml. The BBS will mail you an engraved wall license along with your smaller license certificate shortly after license issuance.

TIP: Now that you're a licensed MFT, be sure to read BBS publications like the *BBS News* and visit the Web site regularly to stay informed on continuing education requirements and other important topics related to your license.

MFT Breakdown of Required Experience

EXPERIENCE TYPE	ALLOWED PRE-DEGREE	ALLOWED POST-DEGREE
Individual Counseling or Psychotherapy (performed by you)	Yes	Yes
2. Couples, Family, and/ or Child Psychotherapy (performed by you)	Yes	Yes
3. Group Therapy or Counseling (performed by you)	Yes	Yes
4. Telephone Counseling (performed by you)	Yes	Yes
5. Telemedicine Counseling (performed by you)	Yes	Yes

A NOTE ABOUT PRE-DEGREE EXPERIENCE: A minimum of 150 total hours of experience from categories 1, 2, and 3 above are required pre-degree. A maximum of 750 hours of clinical experience, including direct supervisor contact, can be counted pre-degree.

The combined subtotal for Workshops, Seminars, Training Sessions or Conferences, Personal Psychotherapy Received, and Supervision Hours may not exceed 1,000 hours.

MINIMUMS AND MAXIMUMS	NOTES
None	Many people gain hundreds of hours in this area due to the limits in other categories.
Minimum 500 Hours REQUIRED	May be completed pre- or post-degree or a combination of both.
Maximum 500 Hours	May be completed pre- or post-degree or a combination of both.
Maximum 250 Hours	May be completed pre- or post-degree or a combination of both.
Maximum 125 Hours	May be completed pre-or post- degree or a combination of both.

FOR EXAMPLE: A trainee earns 625 hours of clinical experience comprising a combination of categories 1, 2, 3, 4, and 5. In addition, the trainee earns 125 hours of individual supervision pre-degree.

MFT Breakdown of Required Experience

EXPERIENCE TYPE	ALLOWED PRE-DEGREE	ALLOWED POST-DEGREE
6. Supervision, One-on-One*	Yes	Yes
7. Supervision, Group * (No more than eight (8) in a group.)	Yes	Yes

NOTE: A TOTAL MINIMUM of 104 hours of supervision is required. Interns and trainees are required to have a minimum of one hour of individual supervision, OR two hours of group supervision for each week in which experience is claimed for each work setting.

EXAMPLE: An intern receives 11 hours of clinical experience and two hours of group supervision (one unit of supervision) the first week, 13 hours of clinical experience and one hour of individual supervision (one unit of supervision) the second week, and 16 hours of clinical experience and four hours of group supervision (two units of supervision) the third week. This totals 40 hours of clinical experience and four units of supervision. The intern has met the required supervision ratio because she has an average, over the three-week period, of 10 hours of clinical experience for every one unit of supervision.

- CONTINUED

MINIMUMS AND MAXIMUMS	NOTES
Minimum 52 Hours	May be completed pre- or post-degree or a combination of both. Note: These may be non-consecutive weeks.
No Minimum or Maximum	No pre- or post-degree hours are required to be completed in this area.

Supervision RATIOS for Clinical Experience:

Hours of Clinical Experience to Units of Supervision

One unit of supervision is equal to one hour of individual or two hours of group supervision.

Pre-Degree	Post-Degree
Five to One Required	Ten to One Required

Trainees are required to have a minimum of one unit of supervision for every five hours of client contact in each setting.

Interns are required to have a minimum of one unit of supervision for every ten hours of client contact in each setting.

These ratios can be calculated based on the average number of hours gained over the entire period of time an intern or trainee works in a particular setting (see example at left).

MFT Breakdown of Required Experience

EXPERIENCE TYPE	ALLOWED PRE-DEGREE	ALLOWED POST-DEGREE
7. Attending Workshops, Seminars, Training Sessions, or Conferences	Yes	Yes
8. Psychotherapy (received by you)	Yes	Yes
9. Administering and Evaluating Psycho- logical Tests of Counselees, Writing Clinical Reports, Writing Progress Notes, or Writing Process Notes	No	Yes

	Weeks of Experience REQUIRED	
TOTALS	Total Hours of Experience REQUIRED	

- Continued

MINIMUMS AND MAXIMUMS	NOTES
Maximum 250 Hours	May be completed pre- or post-degree or a combination of both.
Maximum 100 Hours (times three)	Up to 100 hours may be earned. These hours are triple-counted by the BBS. Hours may be completed pre- or post-degree or a combination of both.
Maximum 250 Hours	May be completed post-degree only.
Minimum 104 Weeks	Completed pre- and post-degree.
Maximum 1,300 Hours PRE-DEGREE Minimum 3,000 Hours TOTAL	 1,300 Pre-Degree Hours equal: 750 hours clinical experience and supervision 250 hours workshops, seminars, etc. 100 hours (counted as 300) personal psychotherapy

Please note that this information is intended only as a general reference. The BBS encourages you to thoroughly read the laws and regulations relating to licensure for marriage and family therapists. Please consult the laws beginning at Sections 4980 of the California Business and Professions Code and the regulations beginning with Section 1800 of Title 16 of the California Code of Regulations. The laws and regulations are available on the Board's Web site at www.bbs.ca.gov/pdf/publications/lawsregs.pdf.

GLOSSARY:

BBS News – The bi-annual newsletter published by the BBS. This publication is mailed to all active licensees and registrants in addition to being available on the BBS Web site.

Couples, Family, and Children – Work experience in diagnosing, and treating couples, families, and children falls in this category. This category includes individual and group counseling sessions with couples, families, and children.

Live Scan – A fingerprinting process in which applicants roll their fingers across a computer pad. Typically, results are processed much quicker than traditional fingerprinting processes.

MFT Evaluator – An employee at the BBS responsible for processing examination eligibility applications and answering questions and emails relating to MFT licensing requirements.

Unit of Supervision – A unit of supervision can be either one hour of individual supervision or two hours of group supervision. The two hours of group supervision must be obtained within the same week.



BOARD OF BEHAVIORAL SCIENCES

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Licensed Clinical Social Worker

Student Handbook







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PART I

Earning a Master of Social Work Degree

Earning a Master of Social Work (MSW) degree from an accredited school of social work is your first step toward becoming a Licensed Clinical Social Worker (LCSW) in California. There is more to come, however, and this handbook from the Board of Behavioral Sciences (BBS) will guide you through the process.

Accepting your degree

For the BBS to accept your degree, it must be earned at an accredited school of social work. You can verify your school's accreditation on the BBS Web site, www.bbs.ca.gov/app-reg/ Ics schools.shtml.

Completing pre-licensure coursework

The BBS requires you to complete certain additional coursework before applying to take the LCSW exams. You can complete this coursework as part of your MSW degree or afterward, while you are earning the required hours of supervised work experience.

TIP: You can find a list of specific courses that meet these requirements on the BBS Web site. Go to www.bbs. ca.gov/app-reg/lcs_schools.shtml, find your school, and select "Additional Courses Required."

The requirements are:

- Child Abuse Assessment and Reporting seven hours.
- Human Sexuality 10 hours.
- Substance Abuse and Dependency 15 hours.
- Spousal/Partner Abuse Assessment, Detection, and Intervention 15 hours.
- Aging and Long-Term Care 10 hours.

NOTE: Spousal/Partner Abuse Assessment, Detection, and Intervention hours can be any amount if you began your degree program before January 1, 2004.

NOTE: Aging and Long-Term Care coursework is not required if you began your degree program before January 1, 2004.

TIP: Keep the course description and/or syllabus for any course you took that you believe fulfilled the requirements. The BBS may need the materials to verify the course content.

You can take these required courses from:

- State, county, or other government entities.
- Accredited colleges or universities.
- BBS-approved continuing education providers (A list of BBS-approved continuing education providers is on the BBS Web site at www.bbs.ca.gov/forms.shtml.)

PART II

Becoming an Associate Clinical Social Worker (ASW)

After graduation, you will need to apply to become an Associate Clinical Social Worker (ASW) before you can begin accumulating your required pre-licensure supervised work experience hours. An ASW application packet can be downloaded from the "Forms and Publications" section of the BBS Web site (www.bbs.ca.gov/forms.shtml.)

Before submitting the completed ASW application packet, be sure it contains the following:

- The completed one-page application.
- A check or money order for \$75.
- A copy of your official transcripts in your school's sealed envelope. (Make sure the school includes the date it conferred your degree.)
- A completed Live Scan form. (Keep a copy for your records.)

Important reminder

You cannot begin accruing hours toward licensure until the BBS issues you an ASW registration number. Once issued, your ASW number will be posted on the BBS Web site. Seven to 10 business days later, you should receive a packet in the mail with a letter, forms, and your ASW registration certificate. Pay attention to the letter; it will note any coursework you may need to complete.

TIP: Find out if you have been issued an ASW registration number by looking up your name on the BBS Web site. Go to: www.bbs.ca.gov/quick_links/weblookup.shtml.

PART III

Gaining Qualifying Experience

Once you are registered as an ASW, you can begin accruing the required hours of experience to qualify for the licensing examinations. You will need 104 weeks of supervision and 3,200 hours of supervised work experience.

Some tips to simplify the process:

- Always renew your ASW registration number on time. Submit your renewal fee at least six weeks before the expiration date to ensure your registration does not expire. Hours earned under an expired ASW registration will not count.
- Keep track of your supervision documents, including Responsibility Statements, Supervisory Plans, and Clinical Social Work Experience Verification forms. Be sure all forms are completed and signed. You will need to submit the forms with original signatures when you apply for examination eligibility.
- Meet with your supervisor every week for at least one hour of individual supervision or two hours of group supervision. Your work experience in a given week will not count unless you meet this requirement.
- Review the LCSW Breakdown of Required Experience on the next page so you will know which areas to focus on.

- Use the BBS Experience Calculator to determine how close you are to finishing your hours of work experience. You can access the calculator on the BBS Web site (www.bbs.ca.gov/appreg/exp calc.shtml).
- Familiarize yourself with the definition of psychotherapy as it relates to clinical social work. This is defined in Business and Professions Code Section 4996.9 and in the glossary of this handbook.

Remember the six-year rule

All work experience must be accrued no more than six years before the date the BBS receives your application for examination eligibility. For example, if the BBS received your application on April 3, 2006, only the experience gained between April 3, 2000, and April 3, 2006, would count.

Contact the BBS for help

If you have additional questions, call an LCSW/ASW Evaluator at (916) 574-7851 or (916) 574-7852, or e-mail your questions to bbswebmaster@bbs.ca.gov. Have your file number or registration number available for faster service.

LCSW Breakdown of Required Experience			
Experience Type	Number of Hours	Notes	
 Clinical Psychosocial Diagnosis Assessment Treatment Psychotherapy Counseling 	Minimum: 2,000 hours; 750 of those hours must be in face-to-face individual or group psychotherapy. Maximum: None	Two hours of direct supervisor contactis required for anyweek in which more than 10 hours of face-to-face psychotherapy is performed for each setting which experience is gained.*	
Client-centered Advocacy Consultation Evaluation Research	Minimum: None Maximum: 1,200 hours		
Supervision, Individual	Minimum: 52 weeks; 13 of those hours must be supervised by an LCSW. Maximum: None	contact is required for a	
Supervision, Group (No more than eight in group)	Minimum: None Maximum: None	See note above.**	
Total Weeks of Experience Required	Minimum: 104 weeks Maximum: None		
Total Hours of Experience Required	3,200 hours**	A maximum of 40 hours may be credited for any week.	

^{*}An hour of direct supervisor contact equals on ehour of individual supervision or two hours of group supervision.

^{**}Aminimum of 1,700 hours must be under the supervision of an LCSW. Source: Business and Professions CodeSection 4996.23.

PART IV

Applying to Take the Exams

After you complete your work experience and additional coursework, you may apply to take the examinations. You will need to pass the Standard Written Examination and the Written Clinical Vignette Examination before you are eligible to receive your license.

All examination related items are on the BBS Web site (www.bbs.ca.gov/forms.shtml).

The BBS will notify you by mail once your application is approved. Approximately two weeks later, you will receive the LCSW Standard Written Examination Candidate Handbook in the mail. The candidate handbook is your official study guide. Your deadline for taking the exam will be printed on the back of the handbook. The LCSW Standard Written Examination Candidate Handbook and the LCSW Clinical Vignette Candidate Handbook are also available on the BBS Web site (www.bbs.ca.gov/forms.shtml).

TIP: If you continue to work, even as a volunteer, during the examination process, you must be supervised. You cannot practice independently unless you are licensed by the BBS.

If you do not pass an exam:

You will have up to a year to retake any examination you do not pass. To retake an exam, you must submit an LCSW Examination/Re-Examination form, along with the \$100 fee. You must wait 6 months to retake an exam.

TIP: Keep track of your deadline for taking or retaking the examination. If you miss the deadline, you will have to apply for examination and pay the fee again.

If you pass the Standard Written Examination:

You may apply to take the LCSW Written Clinical Vignette Examination. Submit the LCSW Examination/Re-Examination form with the \$100 fee.

If you pass the Written Clinical Vignette Examination:

Personnel at the test site will give you an application for your LCSW initial license. Complete the application and mail it to the BBS with your fee. (See your Writen Clinical Vignette Examination Candidate Handbook for the specific fee amount.)

Congratulations!

Your license number will be posted on the BBS Web site before you receive your certificates in the mail. To find out if a license has been issued, check the BBS Web site at www.bbs.ca.gov/quick_links/weblookup. The BBS will mail you an engraved wall license along with your smaller license certificate shortly after license issuance.

TIP: Now that you're an LCSW, be sure to read the *BBS News* and visit the BBS Web site regularly to stay up-to-date on continuing education requirements and other important topics.

GLOSSARY:

BBS News – The bi-annual newsletter published by the BBS. This publication is mailed to all active licensees and registrants in addition to being available on the BBS Web site.

Direct supervisor contact – Direct supervisor contact can be either one hour of individual supervision or two hours of group supervision. The two hours of group supervision must be obtained within the same week.

LCSW/ASW Evaluator - An employee at the BBS responsible for processing ASW registration applications, examination eligibility applications, and answering questions and emails relating to LCSW licensing requirements.

Live Scan – A fingerprinting process in which applicants roll their fingers across a computer pad. Typically, results are processed much quicker than traditional fingerprinting processes.

Psychotherapy – Psychotherapy, within the meaning of Chapter 14 (Social Workers) of the Business and Professions Code, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes. Source: Business and Professions Code Section 4996.9.

Please note that this information is intended only as a general reference. The BBS encourages you to thoroughly read the laws and regulations relating to licensure for licensed clinical social workers. Please consult the laws beginning at Sections 4991 of the California Business and Professions Code and the regulations beginning with Section 1800 of Title 16 of the California Code of Regulations. The laws and regulations are available on the Board's Web site at www.bbs.ca.gov/pdf/publications/lawsregs.pdf.

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BOARD OF BEHAVIORAL SCIENCES

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§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

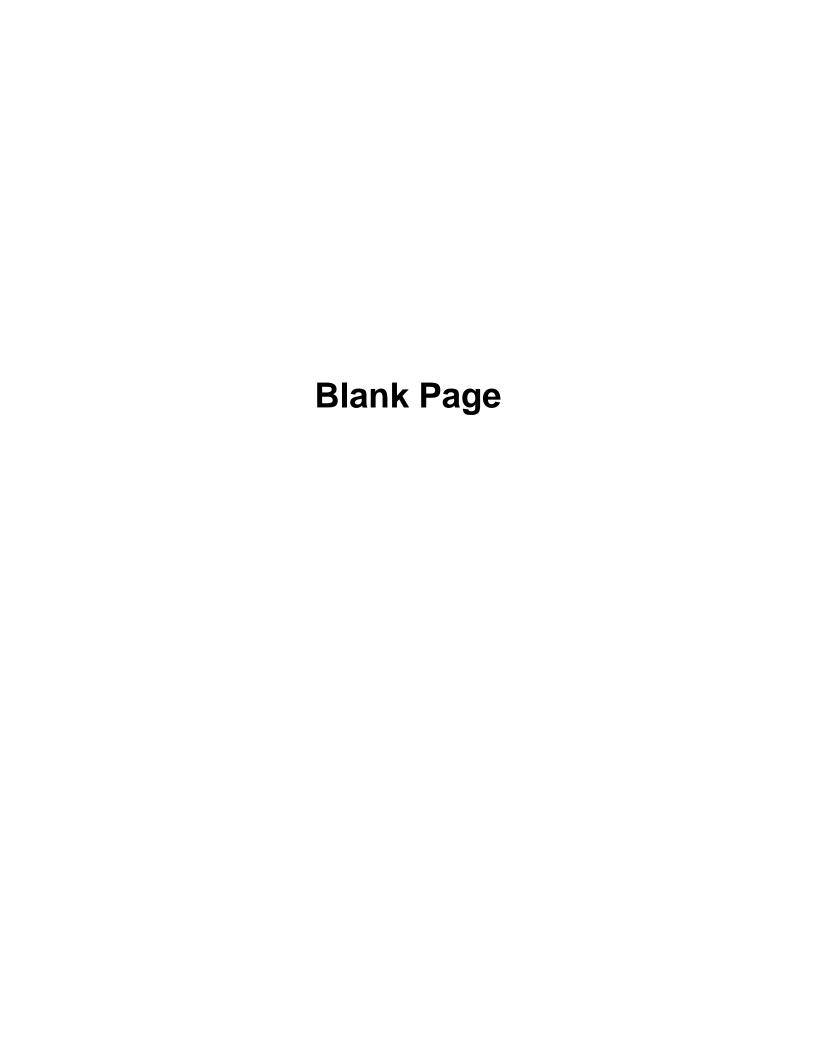
- (a) Prior to applying for licensure examinations, each applicant shall complete experience that shall comply with the following:
 - (1) A minimum of 3,000 hours completed during a period of at least 104 weeks.
 - (2) Not more than 40 hours in any seven consecutive days.
- (3) Not less than 1,700 hours of supervised experience completed subsequent to the granting of the qualifying master's or doctor's degree.
- (4) Not more than 1,300 hours of experience obtained prior to completing a master's or doctor's degree. This experience shall be composed as follows:
 - (A) Not more than 750 hours of counseling and direct supervisor contact.
 - (B) Not more than 250 hours of professional enrichment activities, excluding personal psychotherapy as described in paragraph (2) of subdivision (I).
 - (C) Not more than 100 hours of personal psychotherapy as described in paragraph (2) of subdivision (I). The applicant shall be credited for three hours of experience for each hour of personal psychotherapy.
- (5) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction and becoming a trainee except for personal psychotherapy.
- (6) No hours of experience gained more than six years prior to the date the application for licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.40 shall be exempt from this six-year requirement.
- (7) Not more than a total of 1,000 hours of experience for direct supervisor contact and professional enrichment activities.
 - (8) Not more than 500 hours of experience providing group therapy or group counseling.
- (9) Not more than 250 hours of postdegree experience administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes.
- (10) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.
- (11) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children.
- (12) Not more than 125 hours of experience providing personal psychotherapy services via telemedicine in accordance with Section 2290.5.
- (b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained

by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

- (c) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:
- (1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting.
- (2) Each individual supervised after being granted a qualifying degree shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained.
- (3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons.
- (4) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.
- (d) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:
 - (A) Lawfully and regularly provides mental health counseling or psychotherapy.
 - (B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.
 - (C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
- (2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.
- (e) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:
 - (A) Lawfully and regularly provides mental health counseling or psychotherapy.
- (B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.
- (2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (d), until registered as an intern.
- (3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.
- (4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee

that has satisfied the requirements of subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

- (5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.
- (f) Except as provided in subdivision (g), all persons shall register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure.
- (g) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's degree and is thereafter granted the intern registration by the board.
- (h) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.
- (i) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations of their employers.
- (j) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.
- (k) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.
- (I) For purposes of this chapter, "professional enrichment activities" includes the following:
- (1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor.
- (2) Participation by the applicant in personal psychotherapy which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.



MFT Experience Calculator

(Revised June 2008)

	Trainee/Practicum	Intern/Post-Degree	Category Sub-Total
Counseling Hours			
Individual Counseling (no min/max)	285.0	560.0	845.0
Couples, Family, and/or Children (min 500)	155.0	380.0	535.0
Group Counseling (max 500)	0.0	500.0	500.0
Telephone Counseling (max 250)	0.0	0.0	0.0
Telemedicine Counseling (max 125)	0.0	0.0	0.0
Sub-Total	440.0	1440.0	1880.0

Non-Counseling Hours			
Administrating and Evaluating Psychological			
Test, Writing progress notes and process notes	N/A		
(max 250)		250.0	250.0
Workshops, Seminars, Training Sessions,			
and/or Conferences (max 250)	100.0	150.0	250.0
Sub-Total	100.0	400.0	500.0

Supervision				
Individual Supervision Hours	50	2	52.0	
Group Supervision Hours	85	285	370.0	
Sub-Total	135	287	422.0	
Total Weeks of Supervision	55	155	210.0	

Counseling Experience Ratio Compliance			
Total Units of Supervision	92.5	144.5	237.0
Max # of Counseling Hours Based on Sup.	462.5	1445.0	1907.5
Actual Amount of Credited Counseling Hrs	440.0	1440.0	1880.0

Approximate Weeks of Supervision Needed	0
Approximate Hours of Experience Needed	0

Personal Psychotherapy Hours	
Actual Personal Psychotherapy Hrs	100.0
Credited Hrs of Experience (max 300)	300

Professional Development Time (max 1000)	
(Prof Development = Supervision+Personal	
Psychotherapy+Workshops)	972.0

yellow background = a limit was reached

green text = good to go red text = not sufficient

orange background = YOU HAVE GONE OVER YOUR MAXIMUM IN THIS CATEGORY, PLEASE ADJUST YOUR TOTALS TO COMPLY WITH THE LIMIT

Trainee/Practicum Counseling and Supervision	(max 750)
(Counseling Experience and Supervision earned	575.0
while in degree program)	

DISCLAIMER: THIS CALCULATOR IS PROVIDED SOLELY AS A RESOURCE TO ASSIST APPLICANTS IN APPROXIMATING COMPLETION OF THEIR SUPERVISED EXPERIENCE REQUIREMENTS. THIS CALCULATOR DOES NOT CERTIFY COMPLETION OF REQUIREMENTS. ONLY BOARD STAFF EVALUATES MFT APPLICATIONS TO DETERMINE APPLICANT COMPLIANCE WITH LICENSING REQUIREMENTS. THIS CALCULATOR DOES NOT GUARANTEE APPLICATION APPROVAL.

LCSW Experience Calculator

(Revised June 2008)

Experience	
A. Clinical Psychosocial Diagnonsis, Assessment and	
Treatment, INCLUDING Individual or Group	
Psychotherapy (min. 2000 hrs):	2100.0
B. Client-centered advocacy, consultation, evaluation,	
and research (max. 1200):	1185.0
Total (A+B=C)	3285.0

Total Weeks of Supervision:	125
Total Hours of Individual Supervision:	58
Total Hours of Group Supervision:	80

Approximate Hours of Experience Needed:	0
Approximate Weeks of Supervision Needed:	0
Approximate Amount of Individual or Group	
Psychotherapy Needed:	0

*If the ASW accumulates more than 10 hours of direct psychotherapy in a given week, he or she will need to obtain an additional hour of individual supervision or two (2) hours of group supervision to cover the direct face-to-face psychotherapy time over 10 hours for the week.

For example, Applicant B accumulates 16 hours of direct psychotherapy in a week. Usually, this applicant receives only one (1) hour of individual supervision, but for this week, the applicant needs to gain an additional hour of individual supervision or two (2) hours of group supervision to cover the extra 6 hours of direct psychotherapy time.

Individual or Group Psychotherapy		
A1. Individual or Group Psychotherapy* (min.		
750 hrs):		
	765.0	

yellow background = a limit was reached

green text = good to go red text = not sufficient

DISCLAIMER: THIS CALCULATOR IS PROVIDED SOLELY AS A RESOURCE TO ASSIST APPLICANTS IN APPROXIMATING COMPLETION OF THEIR SUPERVISED EXPERIENCE REQUIREMENTS. THIS CALCULATOR DOES NOT CERTIFY COMPLETION OF REQUIREMENTS. ONLY BOARD STAFF EVALUATES LCSW APPLICATIONS TO DETERMINE APPLICANT COMPLIANCE WITH LICENSING REQUIREMENTS. THIS CALCULATOR DOES NOT GUARANTEE APPLICATION APPROVAL.





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To: Policy and Advocacy Committee Members Date: September 30, 2008

From: Paul Riches Telephone: (916) 574-7840

Executive Officer

Subject: Fingerprint Requirements

Discussion & Update

The Committee discussed the issue of retroactively fingerprinting licensees at its last meeting. There was a general consensus at the meeting that we should pursue the issue and develop a specific proposal to do so. Since that meeting board staff has been working with the Department of Consumer Affairs (DCA) on developing a legislative proposal that would apply to all DCA entities that currently have fingerprint requirements. I expect that a proposal will be put forwarded in 2009. Staff is requesting that the Committee recommend to the board that it support and/or sponsor legislation to enable the retroactive fingerprinting of its licensees either in conjunction with a DCA lead proposal or on its own if necessary.

The material below is reproduced from the July meeting materials as background for those who did not participate in that meeting.

Background

On April 1, 1992, the Board began requiring applicants to submit fingerprint cards for the purpose of conducting criminal history background investigations through the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). The fingerprinting of applicants allows the Board a mechanism to enhance public protection by conducting a more thorough screening of applicants for possible registration or licensure. All trainees, interns, and registrants were required to submit a fingerprint card and processing fee with their applications. Candidates already in the examination cycle were required to submit fingerprints by set dates that were tied to their scheduled licensure examination. (Attachment A). Individuals licensed before April 1, 1992 were not required to submit fingerprints to the Board.

Sometime after implementing the fingerprint process, information was received by the Department of Consumer Affairs (DCA) that the FBI questioned the authority given to State agencies to conduct fingerprint checks through the FBI. Legislation was sponsored and in 1997, the California Legislature gave the Board of Behavioral Sciences (Board) and other entities under the umbrella of the DCA the authority under Business and Professions Code Section 144, (Attachment B) to require a DOJ and FBI criminal history background check on all applicants seeking registration and/or licensure.

Since 1997, all applicants for registration and licensure must submit a full set of fingerprints as part of the application process. With limited exceptions, all applicants are required to submit their prints via Live Scan. (Attachment C). Traditional fingerprint cards (hard cards) are accepted only in those cases where the applicant is located outside of California, or demonstrates a hardship approved by the Board.

Live Scan is a system for the electronic submission of fingerprints and the subsequent automated background checks and responses. Use of a Live Scan machine involves placing individuals' fingers on a glass-scanning surface so a digital image can be scanned. The fingerprints are then stored into the machine's electronic memory and are immediately transmitted to the California DOJ and the United States FBI for completion of the criminal conviction record review. Live Scan is much faster and more efficient than fingerprint cards, decreasing the response time by several weeks or months. The DOJ and the FBI maintains the fingerprints until notified by the Board that it is no longer interested in receiving information regarding the subject.

The current processing fees associated with LiveScan are \$32.00 for DOJ and \$24.00 for FBI, with some Live Scan agencies charging additional fees for "rolling" fingerprints and/or administrative processing. Applicants are responsible to pay all fees associated with the fingerprint process. Information about Live Scan fingerprinting is available on the Board's website, accessed through the Forms and Publications link or by calling the Board's headquarters. The Request for Live Scan Service form can be completed on-line and then downloaded for submission to the fingerprinting agency.

Clearance of the fingerprint requirement means the fingerprint results provided by the DOJ and FBI indicated no criminal convictions, or the convictions noted have been evaluated and cleared by the Board. It is important to note that having a criminal conviction will not automatically prevent an applicant from obtaining a license. The Board does not pre-evaluate criminal convictions, the evaluation is a part of the application process. Since the Board has the responsibility to protect the public, a primary objective of the Board is to ensure registrations or licenses are not issued to applicants who have serious criminal convictions substantially related to the practice of the professional license. For this reason, the Board evaluates all misdemeanor and felony convictions in the same manner for each type of professional license.

Upon receipt of criminal history information the Enforcement staff orders the police reports and court documents and will request that the applicant submit an explanation of the facts and circumstances surrounding the arrest/conviction. Enforcement staff reviews each applicant's criminal history and makes a determination on a case-by-case basis of whether or not the conviction is substantially related to the qualifications, functions, or duties of the license. Business and Professions Code Section 480 authorizes the Board to deny a license because the applicant has been convicted of a crime. (Attachment D). When considering the denial of a license or registration the Board will evaluate any evidence of rehabilitation as identified in California Code of Regulations (CCR) Section 1813. (Attachment E). If the conviction warrants disciplinary action, the applicant is notified that his/her application is denied, and the case is forwarded to the Office of the Attorney General for filing of a Statement of Issues. The applicant has the right to request a formal hearing before an Administrative Law Judge.

Subsequent arrests and/or convictions reports (rap sheets) regarding licensees are reported electronically to the Board. Upon receipt of subsequent information, the Enforcement staff follows the same procedures as in the denial process (police and court documents are ordered and the licensee is asked to provide an explanation of the facts and circumstances surrounding the incident). Once all the information is received, the Enforcement staff will make a determination of whether the subsequent conviction warrants disciplinary action. The Board evaluates any evidence of rehabilitation as identified in CCR Section 1814. (Attachment F). If disciplinary action is warranted, the case will be forwarded to the Office of the Attorney General for filing of an Accusation. The licensee has the right to request an Administrative Hearing.

Most of the subsequent arrest/conviction information received at the Board is for crimes involving driving under the influence (DUI), petty theft, domestic violence and crimes related to substance abuse.

Total Number of Licensees who maintain a "Current" Status with the Board.

License Type	Number of Licensees as of 4/1/2008
Marriage and Family Therapists	28,918
MFT Interns	11,075
Licensed Clinical Social Workers	16,797
Social Work Associates (ASW)	7,645
Licensed Educational Psychologists	1,774
Total	66,209

Number of Licensees who have not been fingerprinted

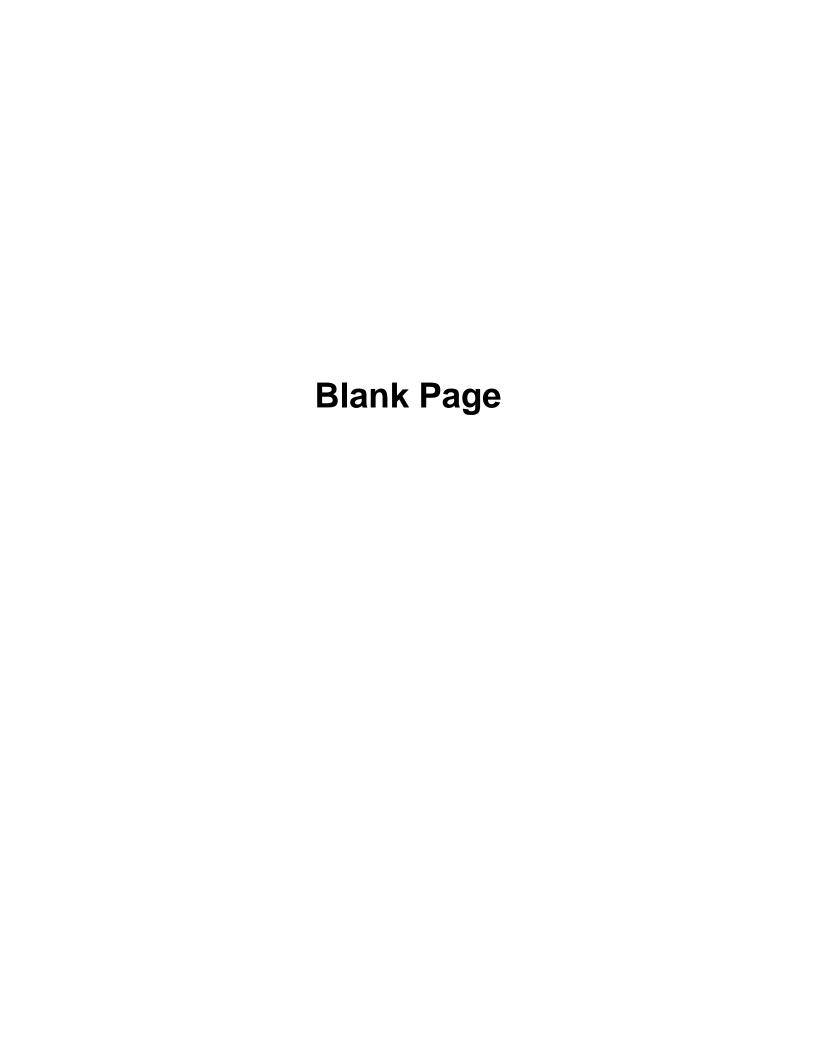
Licensees Who Were Licensed Prior to Fingerprint Requirements		MFT	LCSW	LEP
Total Number of Licensees	29578	17724	10731	1123
Current (Status 10)	23542	13914	8692	936
Inactive (Status 9)	6036	3810	2039	187

Fiscal Year	Total Number of Complaints Opened	Complaints Opened From Subsequent Arrest/Conviction Information Received from DOJ/FBI
FY 05/06:	1256	131
FY 06/07	1366	89
FY 07/08*	1348	147

^{*} Statistics for FY 07/08 are as June 29, 2008 and are not finalized

Fiscal Year	Total Number of Cases Referred to the Office of the Attorney General	Number of Cases Referred to the Office of the Attorney General As a Result of Subsequent Arrest/Conviction Information Received from DOJ/FBI
FY 05/06:	50	13
FY 06/07	42	13
FY 07/08*	44	12

^{*} Statistics for FY 07/08 are as June 29, 2008 and are not finalized







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To: Policy and Advocacy Committee Date: September 29, 2009

From: Tracy Rhine Telephone: (916) 574-7847

Legislative Analyst

Subject: Proposed 2009 Omnibus Legislation

Upon review, staff has determined that several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences require amendments. These amendments add clarity and consistency to licensing law.

Add BPC Section 4996.24

<u>Background:</u> Currently BPC section 4980.45 outlines the employment and supervision requirements of Marriage and Family Therapist (MFT) interns and sets a maximum number of interns that may be supervised by a licensed professional in private practice. However, this section does not stipulate a maximum number of associate clinical social workers (ASWs) that a licensed professional may supervise in this same setting. It is possible that a licensed professional could supervise an unlimited number of ASWs in addition to the two MFT interns allowed by this section of law. This section stipulates the same limits for MFT corporations that employ interns – allowing two interns for each employee or shareholder.

<u>Recommendation:</u> In order to ensure proper supervision and consistency within licensing law, add a section to the BPC that will limit the number of ASWs that may work under the supervision of a licensed professional in private practice, or a LCSW corporation, to two ASWs at any one time.

Amend BPC Section 4996.28

<u>Background:</u> BPC section 4996.28 outlines the requirements for renewal of an ASW registration and prohibits an ASW from renewing a registration more than five times.

BPC section 4984.01 outlines these same requirements for the renewal of MFT intern registration but also states that after the five maximum renewals, and upon the issuance of a subsequent registration number, the intern may not work in a private practice setting. The intent of this provision is to prohibit individuals from providing services as an intern indefinitely in private practice.

<u>Recommendation:</u> Add a provision to BPC section 4996.28 that will prohibit an ASW issued a subsequent registration from being employed or volunteering in a private practice setting.

Amend BPC Section 4996.23

<u>Background</u>: BPC section 4996.23 sets forth the criteria for gaining experience as an ASW. BPC section 4984.01 sets forth similar criteria for experience of MFT interns, however, this section also stipulates that MFT interns may not lease or rent space or in any other way pay for the obligations of their employer.

<u>Recommendation:</u> Add a provision to BPC section 4996.23 that will prohibit an ASW from leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.

Amend BPC Section 4982.2

<u>Background</u>: BPC section 4982.2 sets forth a timeline for MFTs and LCSWs to petition the board for reinstatement or modification of penalty. However, this section fails to address the reinstatement or modification of penalty for registrants that have had their registration revoked or suspended or been placed on probation. However, BPC section 4984.01(c) states that no registration shall be renewed or *reinstated* beyond six years. This reference to the reinstatement of a registration demonstrates that the intent of 4982.2 was to allow the same provisions of reinstatement to apply to registrants.

<u>Recommendation</u>: Add appropriate references to BPC 4982.2 to allow the provisions of this section to apply to registrants.

Amend BPC Sections 4982(r) and 4992.3(r)

<u>Background</u>: The current law states that unprofessional conduct includes any conduct in the supervision of a registrant by any licensee that violates licensing law and regulations adopted by the board. However, the respective unprofessional conduct statutes only make it a violation if the supervision is of a registrant in the same field as the licensee. BPC section 4982 (r) currently references the supervision of MFT interns and trainees and BPC section 4992.3 references ASWs only. Both LCSWs and MFTs may supervise ASWs and MFT interns and therefore provisions of unprofessional conduct must include the supervision of all categories of supervisee: interns, associates and trainees.

<u>Recommendation:</u> Amend the unprofessional conduct section of both MFT and LCSW licensing law to include all supervisees.

Amend BPC Sections 4992.1 and 4989.22

<u>Background</u>: BPC section 4989.22 specifies the eligibility requirements for examination and the examination record retention schedule for Licensed Educational Psychologists (LEPs). BPC section 4992.1 applies these same provisions to LCSWs. These two code sections do not include provisions incorporated in MFT licensing law relating to examinations. These missing provisions do all of the following:

- Prohibits the board from denying an applicant admission to the written examination or delaying the examination solely upon receipt by the board of a complaint alleging acts that would constitute grounds for denying licensure.
- Requires the board to allow an applicant that has passed the written examination to take the
 clinical vignette examination regardless of a complaint that is under investigation. This
 same provision would allow the board to withhold results of the examination pending
 completion of the investigation.
- Allows the board to deny an applicant that previously failed either the written or clinical vignette examination permission to retest pending completion of an investigation of complaints against the applicant.
- Provides that no applicant shall be eligible to participate in a clinical vignette examination if his or her passing score on the standard written examination occurred more than seven years ago.

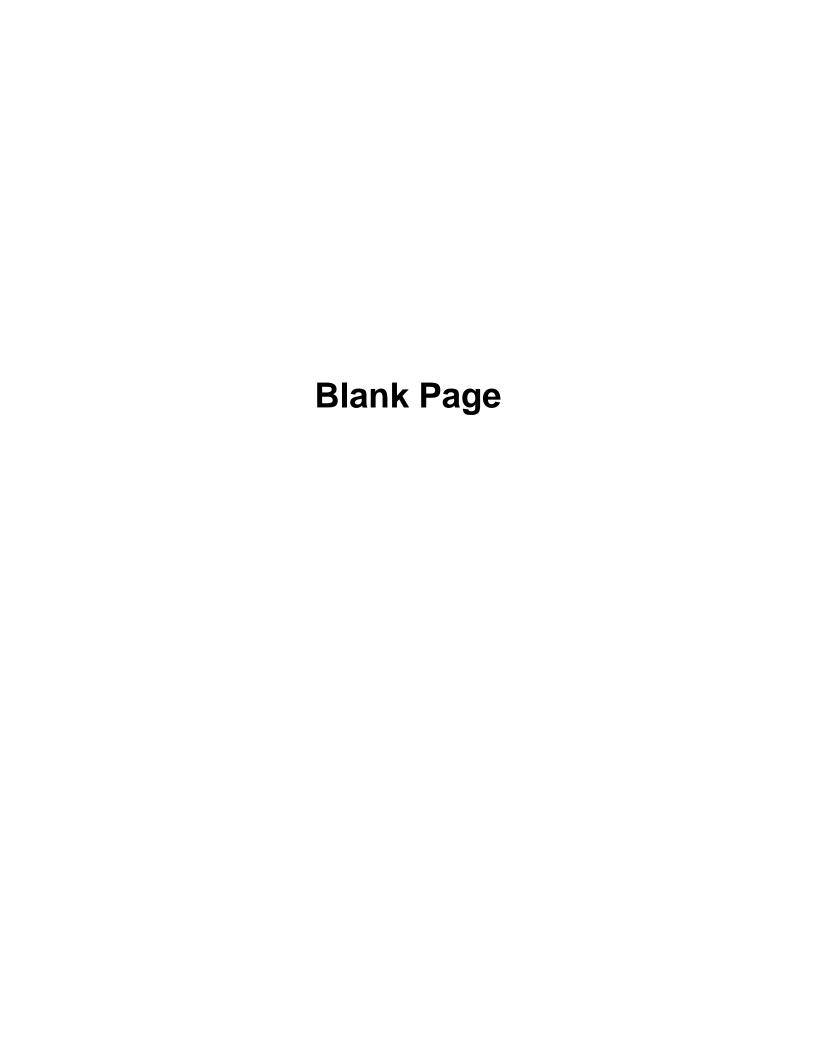
Recommendation: In order to provide consistency and clarity in examination and record retention policy for all licensees, BPC section 4992.1 and BPC section 4989.22 should be amended to include the above provisions found in 4980.50(c), (d) and (e)

Amend BPC section 4996.5

<u>Background:</u> BPC section 4996.5 sets forth the scope form and content of a LCSW license. Currently this section makes an errant reference to the payment of an "annual renewal fee." Licensure renewal fees are biennial.

Recommendation: Delete the reference to "annual" as it relates to renewal fees.

ATTACHMENT: Proposed language



§4982. UNPROFESSIONAL CONDUCT

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.
- (c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.
- (d) Gross negligence or incompetence in the performance of marriage and family therapy.
- (e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.
- (I) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee or registered intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered intern, associate clinical social worker or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a trainee or registered intern under one's supervision or control to perform, or permitting the trainee or registered intern to hold himself or herself out as competent to perform, professional services beyond the trainee's or registered intern's level of education, training, or experience.
- (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

- (v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (z) Failure to comply with Section 2290.5.

§4982.2. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY; NOTICE; CONTENT; HEARING

- (a) A licensed marriage and family therapist, <u>marriage and family therapist intern</u>, licensed clinical social worker, <u>associate clinical social worker</u> or <u>licensed</u> educational psychologist whose license <u>or registration</u> has been revoked or suspended or who has been placed on probation may petition the board for reinstatement or modification of penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board, or any portion of it, is stayed by the board itself, or by the superior court, from the date the disciplinary action is actually implemented in its entirety:
- (1) At least three years for reinstatement of a license <u>or registration</u> that was revoked for unprofessional conduct, except that the board may, in its sole discretion at the time of adoption, specify in its order that a petition for reinstatement may be filed after two years.
 - (2) At least two years for early termination of any probation period of three years, or more.
- (3) At least one year for modification of a condition, or reinstatement of a license or registration revoked for mental or physical illness, or termination of probation of less than three years.
- (b) The petition may be heard by the board itself, or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code. The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition. The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

- (c) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate.
- (d) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4982.15. Where a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board.
- (e) The board may take action with respect to the proposed decision and petition as it deems appropriate.
- (f) The petition shall be on a form provided by the board, and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order.
- (g) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.
- (h) The petition shall be verified by the petitioner, who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.
- (i) The board may delegate to its executive officer authority to order investigation of the contents of the petition, but in no case, may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.
- (j) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.
- (k) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.
- (I) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

4989.22. EXAMINATION

- (a) Only persons who satisfy the requirements of Section 4989.20 are eligible to take the licensure examination.
- (b) An applicant who fails the written examination may, within one year from the notification date of failure, retake the examination as regularly scheduled without further application. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required.
- (c) Notwithstanding any other provision of law, the board may destroy all examination materials two years after the date of an examination.
- (d) The board shall not deny any applicant, whose application for licensure is complete, admission to the standard written examination, nor shall the board postpone or delay any applicant's standard written examination or delay informing the candidate of the results of the standard written examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.
- (e) If an applicant for examination who has passed the standard written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical vignette written examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.
- (f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the standard written or clinical vignette written examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

§4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON WRITTEN EXAMINATION

- (a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take the examination.
- (b) Every applicant who is issued a clinical social worker license shall be examined by the board.
- (b) (c) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

On or after January 1, 2002, no applicant shall be eligible to participate in a clinical vignette written examination if his or her passing score on the standard written examination occurred more than seven years before.

(d) The board shall not deny any applicant, whose application for licensure is complete, admission to the standard written examination, nor shall the board postpone or delay any applicant's standard written examination or delay informing the candidate of the results of the standard written

examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

- (e) If an applicant for examination who has passed the standard written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical vignette written examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.
- (f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the standard written or clinical vignette written examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.
- (g) On or after January 1, 2002, no applicant shall be eligible to participate in a clinical vignette written examination if his or her passing score on the standard written examination occurred more than seven years before.

§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT 4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications,
- functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.
- (c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration

or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

- (d) Gross negligence or incompetence in the performance of clinical social work.
- (e) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes,
- but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (I) Performing, or holding one's self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker or intern under supervision to perform any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered associate clinical social worker, or intern<u>or</u> trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (t) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (u) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (v) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (w) Failure to comply with Section 2290.5.

§4996.5. SCOPE, FORM AND CONTENT OF LICENSE

The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees have been paid, licenses the holder to engage in the practice of clinical social work as defined in Section 4996.9, entitles the holder to use the title of licensed clinical social worker, and authorizes the holder to hold himself or herself out as qualified to perform any of the functions delineated by this chapter. The form and content of the license shall be determined by the director in accordance with Section 164.

§4996.23 SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002

The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:

(a) All persons registered with the board on and after January 1, 2002, shall have at least 3,200 hours of post-master's degree supervised experience providing clinical social work services as permitted by Section 4996.9. At least 1,700 hours shall be gained under the supervision of a

licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. This experience shall consist of the following:

- (1) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.
- (2) A maximum of 1,200 hours in client-centered advocacy, consultation, evaluation, and research.
- (3) Of the 2,000 clinical hours required in paragraph (1), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.
- (4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.
 - (5) Experience shall not be credited for more than 40 hours in any week.
- (b) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.
- (c) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.
- (2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. In addition, an associate shall receive an average of at least one hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting experience is gained. No more than five hours of supervision, whether individual or group, shall be credited during any single week. Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker. For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons receiving supervision.
- (d) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.
- (e) Experience shall only be gained in a setting that meets both of the following:
- (1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

- (2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.
- (f) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.
- (g) Employment in a private practice as defined in subdivision (h) shall not commence until the applicant has been registered as an associate clinical social worker.
- (h) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
- (i) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.
- (j) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.
- (k) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.
- (I) Associates shall not do the following:
- (1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.
 - (2) Have any proprietary interest in the employer's business.
- (3) Lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations for their employers.
- (m) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.
- (n) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

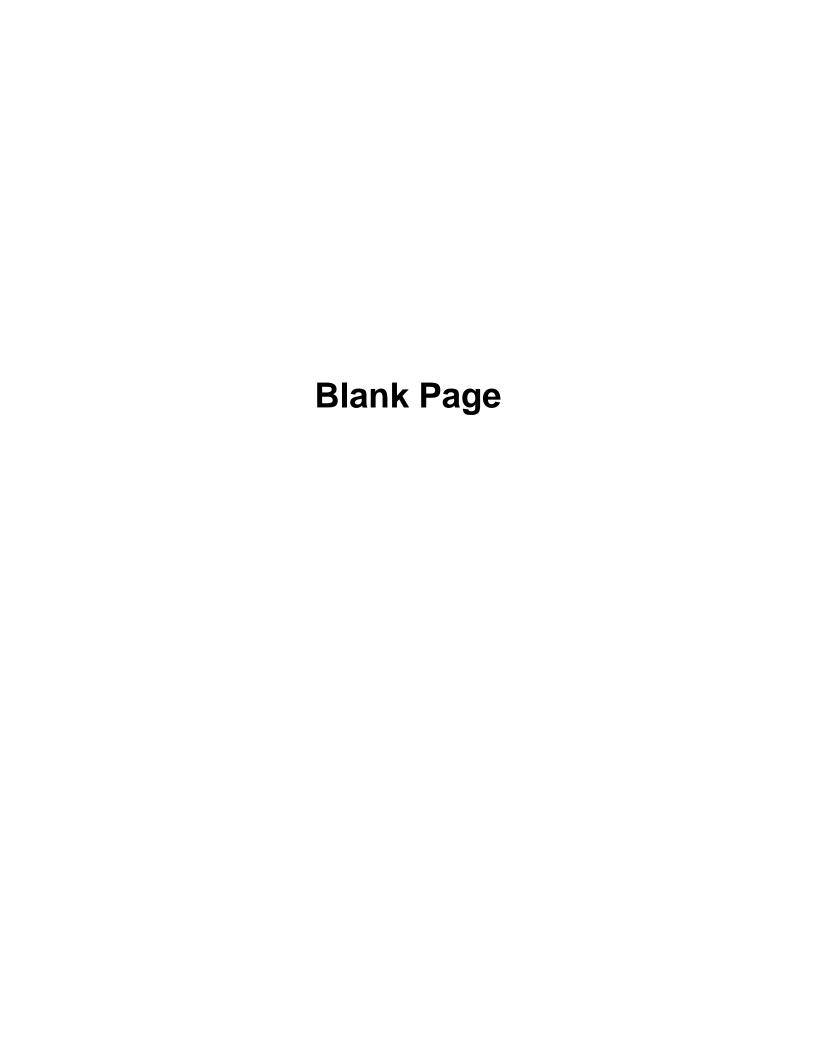
§4996.24. EMPLOYMENT OR SUPERVISION OF ASSOCIATES; MAXIMUM NUMBER OF ASSOCIATES

- (a) A licensed professional in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than two registered associate clinical social workers in that private practice.
- (b) A licensed clinical social workers' corporation may employ, at any one time, no more than two registered associate clinical social workers for each employee or shareholder who has satisfied

the requirements of Section 1870 of Title 16 of the California Code of Regulations subdivision. In no event shall any corporation employ, at any one time, more than 10 registered associate clinical social workers. In no event shall any supervisor supervise, at any one time, more than two registered associate clinical social workers. Persons who supervise registered associates shall be employed full time by the professional corporation and shall be actively engaged in performing professional services at and for the professional corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

§4996.28 ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL

- (a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:
 - (1) Apply for renewal on a form prescribed by the board.
 - (2) Pay a renewal fee prescribed by the board.
- (3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.
- (b) A registration as an associate clinical social worker may be renewed a maximum of five times. When no further renewals are possible, an applicant may apply for and obtain a new associate clinical social worker registration if the applicant meets all requirements for registration in effect at the time of his or her application for a new associate clinical social worker registration. An applicant issued a subsequent associate registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.







1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Policy and Advocacy Committee Date: September 30, 2008

From: Paul Riches Telephone: (916) 574-7840

Executive Officer

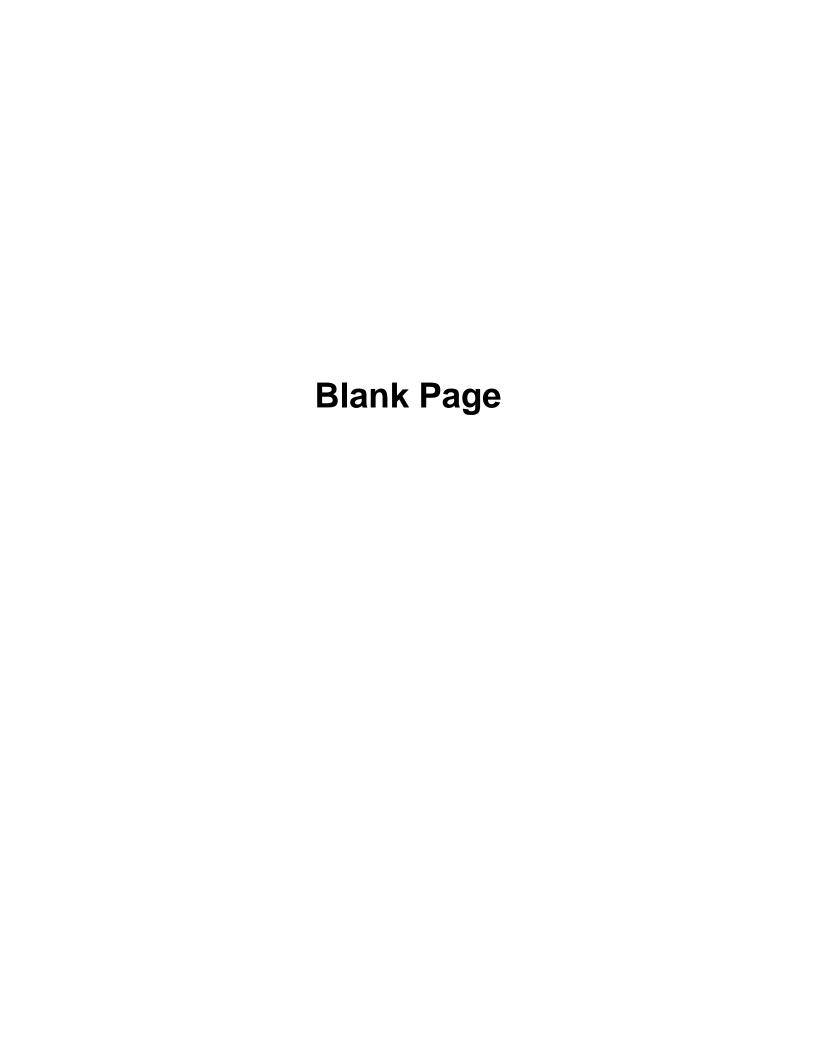
Subject: Update on the Bureau for Private Post-Secondary and Vocational

Education(BPPVE)

The board's legislation on extending its acceptance of degrees from BPPVE (AB 1897) was signed by the Governor. This legislation extends the authority of the board to accept degrees from BPPVE programs until July 1, 2010 and allows the board to accept degrees from regionally accredited programs.

On October 10, 2008, the board will be considering a regulation to extend acceptance of degrees until June 30, 2012.

The only remaining piece of legislation at this time is Senate Bill 823 (Perata) which would establish a new bureau and ultimately resolve the problem. As of this writing the bill is awaiting action by the Governor.







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To: Policy and Advocacy Committee Date: September 30, 2008

From: Tracy Rhine Telephone: (916) 574-7847

Legislative Analyst

Subject: Review and Possible Action Related to Advertising Guidelines

Background

Business and Professions Code (BPC) Section 651(i) (attached) specifies that each of the healing arts boards and committees by regulation, shall define services to be advertised by professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading.

The statute requires the Board to adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services.

Currently Title 16, California Code of Regulations provides some general requirements regarding advertisement (Advertising Statutes and Regulations Sections, attached), for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), and Licensed Educational Psychologists (LEP). However, the regulations do not specifically address all services that are available and how they should be advertised, e.g. licensees advertising as "Psychotherapists".

On November 17, 1995 the Board adopted Policy # E-95-2, Advertising Psychotherapy/Psychotherapist, (attached) to address the use of these terms. However, the Board is required to adopt regulations to enforce guidelines that apply generally to all licensees following the procedures established in the Administrative Procedures Act (APA).

The Board also mails out to Marriage and Family Therapist Interns, Trainees and Associate Clinical Social Workers and all new licensees, Advertising Guidelines Form 1800 37M-550 (Rev. 10/06), which provides information and sample formats of advertising for licensees.

Board staff has noted there are slight inconsistencies between the regulations, policy and the guidelines:

Neither the Board's regulations nor Policy # E-95-2, require a licensee to provide their license number in advertisement, however the licensee is instructed to provide the license number in the guidelines.

Board staff would support the requirement that licensees provide their professional license number as a matter of practice and identification.

The guidelines inform the licensee they may advertise their specific license type by using the complete title or the use of initials representing the license type. The policy states a licensee shall provide the complete title of the license, however the Board's regulations do not specifically address this area.

Board staff would support the licensee's choice to use either the complete title or the use of specified initials representing the license type.

Current advertising regulation, policy and guidelines do not expressly address the practice and advertisement of services by marriage and family therapist trainees. Proposed language included for discussion addresses the requirements for registrants to include supervisor information on advertisements but does not directly require the same of trainees. The board does not have a regulatory relationship with trainees, however, trainees do practice psychotherapy under supervision as part of practicum and experience requirements. It is possible and lawful for a trainee to advertise services, as long as the advertisement is truthful and not misleading. According to Business and Professions Code section 4980.42 the trainee would have to be "designated" by the title "trainee."

Staff suggests the board discuss the need for clarification on the law as it relates to the advertisement of services by trainees.

The Policy and Advocacy Committee had an initial discussion regarding the above issues related to advertising at its October 5, 2007 meeting. At that time the Committee directed staff to revise the proposed regulatory language and bring it back to Committee. The proposed changes to the advertising guidelines, policy and regulation attached reflect these revisions.

Discussion

Staff proposes that the Committee consider an open discussion to provide consistency of all available documentation relating to advertising.

<u>Action</u>

Direct staff to initiate a rulemaking under the APA to adopt proposed language. Staff has drafted proposed language for the committee's review and consideration.

Attachments

- A. Proposed Statute and Regulatory Language
- B. Advertising Statute and Regulation Sections
- C. Proposed Revised Advertising
- D. Proposed Advertising Guidelines
- E. Section 651 of the Business and Professions Code

BOARD OF BEHAVIORAL SCIENCES PROPOSED LANGUAGE

ADVERTISING

MFT

BPC § 4980.03

(e) "Advertise," as used in this chapter, includes, but is not limited to, <u>any public communication as defined in Subdivision (a) of Section 651 of the Code,</u> the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

BPC § 4982

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(p) Advertising in a manner that is false, <u>fraudulent</u>, misleading, or deceptive <u>as defined in</u> Section 651 of the Code.

LEP

BPC § 4989.49

"Advertise," as used in this chapter, includes, but is not limited to, any public communication as defined in Subdivision (a) of Section 651 of the Code, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

BPC § 4989.54

The board may deny a license or may suspend or revoke the license of a licensee if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(e) Advertising in a manner that is false, <u>fraudulent</u>, misleading, or deceptive <u>as defined in</u> Section 651 of the Code.

LCSW

BPC § 4992.2

"Advertise," as used in this chapter, includes, but is not limited to, any public communication as defined in Subdivision (a) of Section 651 of the Code, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within church buildings or

notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

BPC § 4992.3

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(p) Advertising in a manner that is false, <u>fraudulent</u>, misleading, or deceptive <u>as defined in Section 651 of the Code</u>.

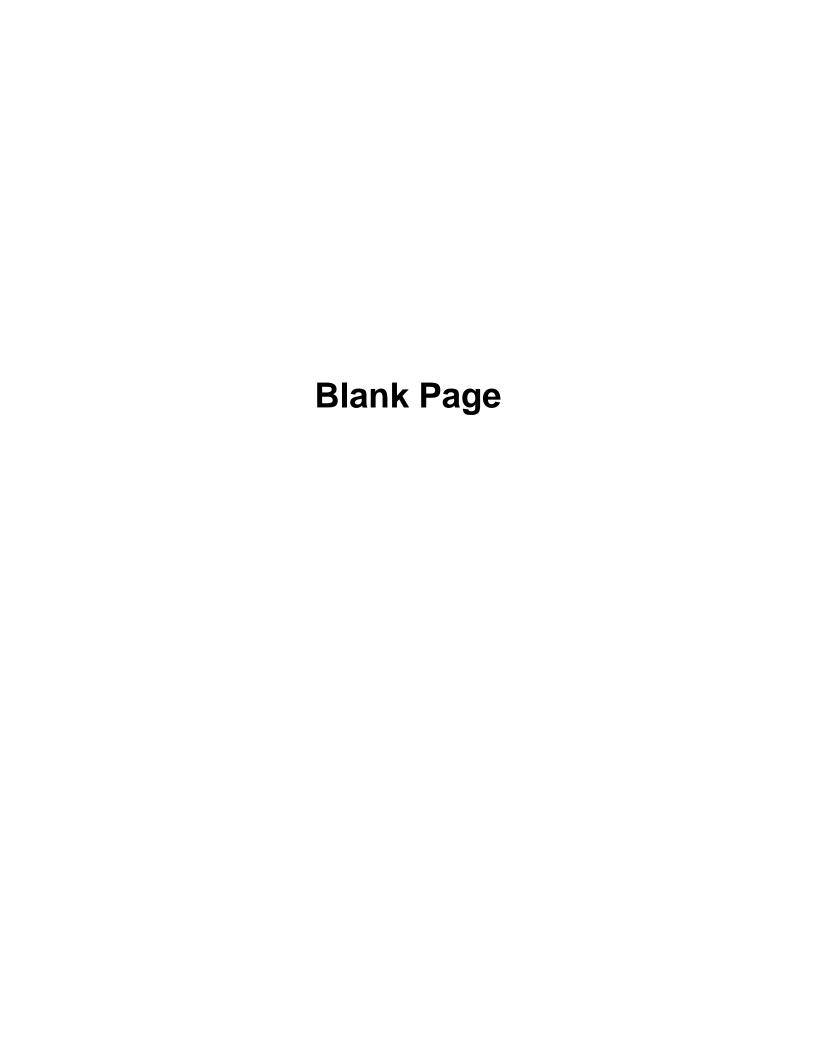
MFT, LEP, LCSW

16CCR§1811. USE OF LICENSE NUMBER IN DIRECTORIES AND ADVERTISEMENTS ADVERTISING

- (a) All persons or referral services regulated by the board who advertise their services shall include their license or registration number in the advertisement unless such advertisement contains the following specific information: all of the following information in any advertisement:
- (a) (1) The full name of the licensee, registrant, or registered referral service as filed with the board; and
- (b) (2) A designation of the The type of complete title of the license or registration held or an acceptable abbreviation, as follows:
- (1) (A) Licensed Marriage and Family Therapist or MFT.
- (2) (B) Licensed Educational Psychologist or LEP.
- (3) (C) Licensed Clinical Social Worker or LCSW.
- (D) Registered Marriage and Family Therapist Intern or Registered MFTI.
- (E) Registered Associate Clinical Social Worker or Registered ACSW.
- (4) (F) Registered MFT Referral Service.
- (3) The license or registration number.
- (c) (b) An unlicensed A registered Marriage and Family Therapist Registered Intern may advertise if such advertisement complies with Section 4980.44(a)(4) 4980.44(c) of the Code making disclosures required by that section.
- (d) (c) An unlicensed A registered Associate Clinical Social Worker may advertise if such advertisement complies with Section 4996.18 (e) 4996.18(h) of the Code making disclosures required by that section.
- (d) Registrants must include the name, the complete title of the supervisor's license and the supervisor's license number.
- (e) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and in compliance with Section 651 of the Code. For purposes of this subdivision, "earned" shall not mean an honorary or other degree conferred without actual study in the educational field.

(f) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

Note: Authority cited: Sections 137, 650.4, <u>651, and</u> 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 137, 651, <u>4980 and</u> 4980.44 and 4996.18, Business and Professions Code.



BOARD OF BEHAVIORAL SCIENCES 1625 NORTH MARKET BLVD., SUITE S200, SACRAMENTO, CA 95834 TELEPHONE: (916) 574-7830 TDD: (916) 322-1700

WEB SITE ADDRESS: http://www.bbs.ca.gov

California law prohibits any advertising, which is false, misleading or deceptive. In addition, any professional advertising must clearly indicate your licensure status as a Marriage and Family Therapist, Licensed Clinical Social Worker, or Licensed Educational Psychologist. Marriage and Family Therapist Intern, or Associate Clinical Social Worker.

Licensure status must be shown either by including the complete name of the license <u>OR</u> by including the <u>acceptable abbreviation of the license title</u> initials of the appropriate license <u>AND</u> the license <u>or registration</u> number. Any <u>UNLICENSED</u> person <u>registrant</u> practicing under supervision <u>MUST</u> also include the name and correct licensure status of the supervisor.

It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and in compliance with Section 651 of the Business and Professions code. For purposes of this guideline, "earned" shall not mean an honorary or other degree conferred without actual study in the educational field. It is also permissible to include academic credentials (i.e., M.A., M.S.W., Ph.D.) so long as the degree is earned and relevant to the license. The use of the academic qualification must not imply the provision of services that would be beyond the scope of the license.

Marriage and Family Therapists, Licensed Clinical Social Workers and Registrants/Associates MAY NOT ADVERTISE AS PSYCHOLOGISTS OR AS PROVIDERS OF PSYCHOLOGICAL SERVICES UNLESS THEY ALSO HOLD A PSYCHOLOGY LICENSE. Licensed Educational Psychologists MAY ADVERTISE AS PSYCHOLOGISTS PROVIDED THAT THEY CLEARLY SHOW INDICATE THAT THEY ARE EDUCATIONAL PSYCHOLOGISTS.

Policy

Use of the words "psychotherapy" or "psychotherapist" in advertising by a licensee is not, in itself*, a violation of law, of regulation, nor is it, in itself*, false or misleading advertising, **provided that all of the following conditions are met:**

- 1. the <u>The</u> advertising <u>includes all of the following information</u>: <u>indicates the full name of the licensee</u> and the complete title of the license (licensed marriage, family and child counselor, licensed clinical social worker, in those words).
 - a. The full name of the licensee or registrant as filed with the board;
 - b. The complete title of the license or registration held or an acceptable abbreviation, as defined in Title 16, Section 1811 of the California Code of Regulations;
 - c. The license or registration number; and,
 - d. If the advertiser is a board registrant, the name of the registrant's supervisor, complete title of the supervisor's license and the supervisor's license number.
- 2.the <u>The</u> person advertising is competent, by reason of his/her education, training, and/or experience, to perform the professional services advertised or to act in a manner or professional capacity advertised.

* The words "in itself" are of significance. Whether or not a particular advertisement is found to be false or misleading or in violation of any law or regulation depends upon an analysis of **all** of the facts and circumstances relating to the advertisement in question. Certainly, the usage of any and all words will be amongst the factors considered.

Please see other side for samples of advertising formats that have been reviewed and found to be acceptable.

SAMPLE FORMATS OF ADVERTISING FOR BBS REGISTRANTS AND ASSOCIATES

Mary Doe

Registered Marriage and Family Therapist Intern IMF 11111

Supervised by Jane Smith, Marriage and Family Therapist License No. MFC 12345 John Smith Registered Associate Clinical Social Worker ASW 12121

Supervised by Jane Smith, Marriage and Family Therapist License No. MFC 12345

Mary Doe, M.A., Ph.D. Registered MFTI IMF 11111

Supervised by John Jay Licensed Clinical Social Worker LCS 54321 John Smith, M.S.W., Ph.D. Registered ACSW ASW 12121

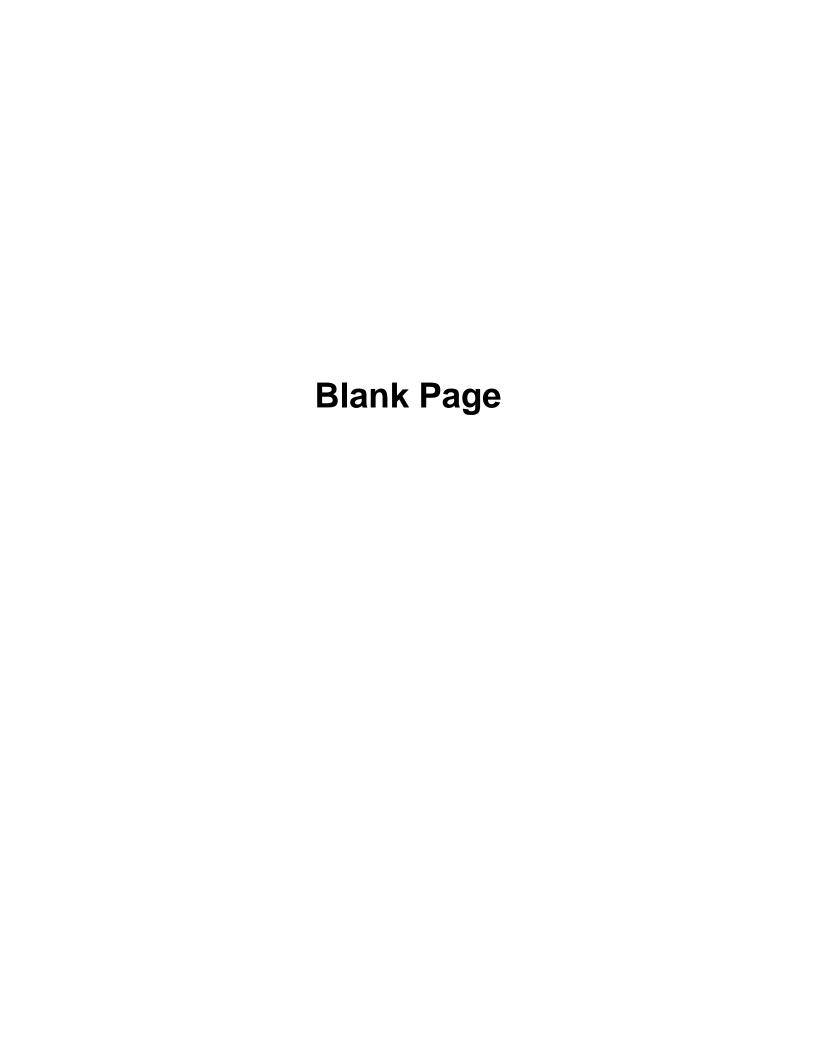
Supervised by John Jay Licensed Clinical Social Worker LCS 54321

SAMPLE FORMATS OF ADVERTISING FOR BBS LICENSEES

Jane Doe, Ph.D. Licensed Marriage and Family Therapist MFC 11221 John Jay Licensed Clinical Social Worker LCS 16543

Jane Doe, MFT MFC 22222 John Jay, M.S.W., LCSW LCS 54321

Mary Doe, M.A., Ed.D. LEP License No. LEP 12525 Mary Doe Licensed Educational Psychologist LEP 12162



BOARD OF BEHAVIORAL SCIENCES



400 R STREET, SUITE 3150, SACRAMENTO, CA 95814 TELEPHONE: (916) 445-4933 TDD: (916) 322-1700 WEBSITE ADDRESS: http://www.bbs.ca.gov



SUBJECT: Advertising Psychotherapy/Psychotherapist	POLICY # E-95-2	DATE ADOPTED: 11/17/95
	SUPERSEDES:N/A	PAGE: 1 OF <u>12</u>
DISTRIBUTE TO: Board Members/ All Staff	APPROVED BY:	BOARD OF BEHAVIORAL SCIENCES

Policy:

Use of the words "psychotherapy" or "psychotherapist" in advertising by a licensee is not, in itself*, a violation of law, of regulation, nor is it, in itself, false or misleading advertising, **provided that all of the following conditions are met:**

- 1. the <u>The</u> advertising <u>includes all of the following information</u>: <u>indicates the full name of the licensee and the complete title of the licensee (licensed marriage, family and child counselor, licensed clinical social worker, in those words).</u>
 - a. The full name of the licensee or registrant as filed with the board;
 - b. The complete title of the license or registration held or an acceptable abbreviation, as defined in Title 16, Section 1811 of the California Code of Regulations;
 - c. The license or registration number; and,
 - d. If the advertiser is a board registrant, the name of the registrant's supervisor, complete title of the supervisor's license and the supervisor's license number.
- 2.the <u>The</u> person advertising is competent, by reason of his/her education, training, and/or experience, to perform the professional services advertised or to act in a manner or professional capacity advertised.
- * The words "in itself" are of significance. Whether or not a particular advertisement is found to be false or misleading or in violation of any law or regulation depends upon an analysis of **all** of the facts and circumstances relating to the advertisement in question. Certainly, the usage of any and all words will be amongst the factors considered.

Background:

This policy is adopted by the California Board of Behavioral Sciences Examiners (BBSE) because of its firm belief that arbitrary limits or restrictions on the use of the specific words in advertising do not serve the interests of the consumers of mental health services, but tend to promote unhealthy "turf" battles between competing professions. BBSE's commitment is to the provision of factual information which

will assist the consumer in making informed decisions with respect to the utilization of professional services.

This policy should not be construed, nor is it intended, to encourage any specific manner or form of advertising or the usage of any words. It is not intended to serve as a substitute for independent legal advise on the issue of permissible, i.e., lawful, advertising. Its purpose is simply and solely to clarify the position of the BBSE with respect to the use of words "psychotherapist" or "psychotherapy" in advertisements by its licensees.

Implementation: Immediate January 1, 2010

Attachment: None

BOARD OF BEHAVIORAL SCIENCES LAWS RELATED TO ADVERTISING

MFT

BPC § 4980.03 (e)

"Advertise," as used in this chapter, includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

BPC § 4982

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(p) Advertising in a manner that is false, misleading, or deceptive.

LEP

BPC § 4989.54

The board may deny a license or may suspend or revoke the license of a licensee if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(e) Advertising in a manner that is false, misleading, or deceptive.

LCSW

BPC § 4992.3

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(p) Advertising in a manner that is false, misleading, or deceptive.

16CCR§1881

The board may suspend or revoke the license of a licensee or may refuse to issue a license to a person who:

(k) Advertises in a manner that is false, misleading, or deceptive.

MFT, LEP, and LCSW

16CCR§1811

USE OF LICENSE NUMBER IN DIRECTORIES AND ADVERTISEMENTS

All persons or referral services regulated by the board who advertise their services shall include their license or registration number in the advertisement unless such advertisement contains the following specific information:

- (a) The full name of the licensee or registered referral service as filed with the board; and
- (b) A designation of the type of license or registration held as follows:
- (1) Licensed Marriage and Family Therapist.
- (2) Licensed Educational Psychologist.
- (3) Licensed Clinical Social Worker.
- (4) Registered MFT Referral Service.
- (c) An unlicensed Marriage and Family Therapist Registered Intern may advertise if such advertisement complies with Section 4980.44(a)(4) of the Code making disclosures required by that section.
- (d) An unlicensed Associate Clinical Social Worker may advertise if such advertisement complies with Section 4996.18 (e) of the Code making disclosures required by that section.

16CCR§1889.3

ADVERTISING AND REFERRAL GUIDELINES

(a) An MFT referral service shall advertise and make referrals in accordance with Sections 650.4 and 651 of the Code and Section 1811 of these regulations.

BPC § 651

PUBLIC COMMUNICATION CONTAINING FALSE, FRAUDULANT, MISLEADING, OR DECEPTIVE STATEMENT, CLAIM, OR IMAGE; ADVERTISEMENTS; PENALTY

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed.

A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

- (b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:
- (1) Contains a misrepresentation of fact.
- (2) Is likely to mislead or deceive because of a failure to disclose material facts.
- (3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of

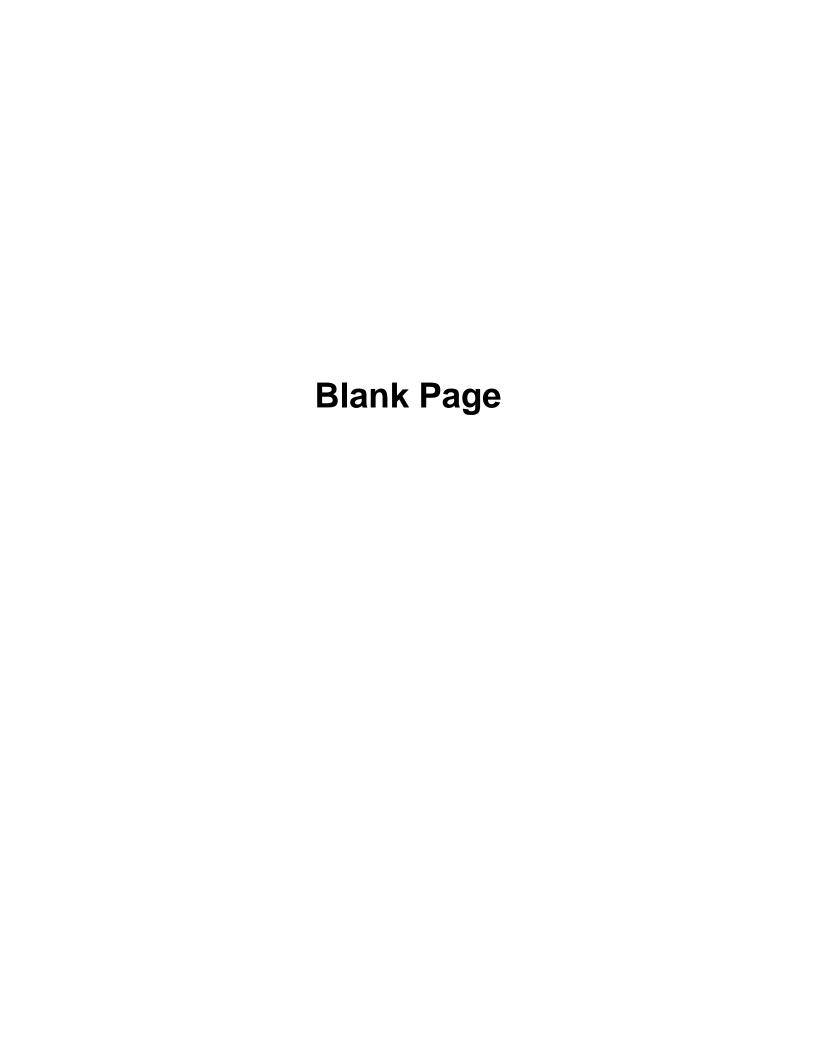
the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

- (B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.
- (C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents "before" and "after" views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any "before" and "after" views (i) shall be comparable in presentation so that the results are not distorted by favorable poses lighting, or other features of presentation, and (ii) shall contain a statement that the same "before" and "after" results may not occur for all patients.
- (4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.
- (5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.
- (6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.
- (7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.
- (8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.
- (c) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, "as low as," "and up," "lowest prices," or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.
- (d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.
- (e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).
- (f) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.
- (g) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

- (h) Advertising by any person so licensed may include the following:
- (1) A statement of the name of the practitioner.
- (2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.
- (3) A statement of office hours regularly maintained by the practitioner.
- (4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office.
- (5) (A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields.
- (6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.
- (7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.
- (8) A statement of publications authored by the practitioner.
- (9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.
- (10) A statement of his or her affiliations with hospitals or clinics.
- (11) A statement of the charges or fees for services or commodities offered by the practitioner.
- (12) A statement that the practitioner regularly accepts installment payments of fees.
- (13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.
- (14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.
- (15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (14), inclusive, provided that any statement shall not violate subdivision (a), (b), (c), or (e) or any other section of this code.
- (16) A statement, or statements, providing public health information encouraging preventative or corrective care.
- (17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.
- (i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by businesses or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements.

However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.







1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Board Members Date: September 30, 2008

From: Paul Riches Telephone: (916) 574-7840

Executive Officer

Subject: Budget Update

2007-08 Fiscal Year

The board closed out the 2007-08 Fiscal Year with total expenditures of \$5,437,082 out of a total budget authority of \$5,655,524. This nets a \$218,442 in unexpended reserve for the fiscal year. In terms of revenue the board had total revenue of \$6,032,000, well in excess of its expenditures.

2008-09 Fiscal Year

The 2008-09 Fiscal Year budget was very positive for the board in terms of obtaining added resources to accomplish our objectives in enforcement, licensing and policy development as it relates to the Mental Health Services Act. The good news is as follows:

- 1) The budget includes two investigative analyst positions for the board. Currently, we rely almost exclusively on the DCA Division of Investigation to conduct investigations of consumer complaints. The division is backlogged and we routinely wait for a year or more to get completed investigations. With the new analyst positions we should be able to work the great majority of complaint investigations in-house with greatly reduced wait times. It will take time to get these positions filled (we fully expect the budget to be significantly delayed again this year) and staff trained, but we will have much more control over our own work. The total cost to the board is approximately \$200,000.
- 2) The budget includes \$200,000 in added Mental Health Services Act funding for hiring consultants in public mental health and psychometrics to advise the board on aligning current programs and policies with the treatment model mandated by the MHSA. We received a full position funded by MHSA dollars in the 2007-08 budget, which was recently filled by Christy Berger.
- 3) The budget includes an additional position in the board's licensing program to improve our customer service. The position will focus on responding to applicant inquiries related to licensing processes and requirements. Our customer satisfaction surveys have consistently articulated a demand for more hands on help navigating the licensure process and this position will help the board satisfy that demand. Total cost to the board is approximately \$60,000.

Now for the bad news. Included in this year's budget is another \$3 million loan from the BBS reserves. A previous \$6 million loan from past budget crises remains outstanding. This loan will leave the BBS with approximately \$3 million in reserves, which covers roughly 6 months of operating expenses (see the

attached fund condition statement). This reserve amount is sufficient to ensure ongoing operations. The loan does not affect spending authority or in any way constrain current operations at this time.

In addition, the Governor has extended the existing Executive Order which imposes a hiring freeze, suspends all personal services contracts, and prohibits overtime. Staff has requested numerous exemptions to the Executive Order to address its needs and is awaiting a response from the State and Consumer Services Agency.

2009-10 Fiscal Year

Board staff has been working on budget change proposals for the 2009-10 Fiscal Year. Proposals are currently being considered by the Department of Finance for inclusion in the Governor's budget to be proposed in January. Pending proposals are confidential until the release of the Governor's budget to the public..

BBS EXPENDITURE REPORT FY 2008/2009

	07/08		FY	2008/09		a/ OF
OBJECT DESCRIPTION	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 9/17/08	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE	% OF TOTAL BUDGET
FIXED EXPENSES (Non-Disc	retionary)					
PERSONAL SERVICES						
Salary & Wages (Civ Svc Perm)	1,298,444	1,644,300	212,549		1,431,751	
Salary & Wages (Stat Exempt)	94,224	91,128	15,704		75,424	
Temp Help (915)(Proctors)	44,576	444	0		444	
Board Memb (Per Diem)	13,700	12,900	0		12,900	
Totals Staff Benefits	583,222	675,619	97,551		578,068	
Salary Savings OPERATING EXPENSES & EQUIP		(73,601)			(73,601)	
DEPARTMENTAL PRORATA						
DP Billing	331,489	408,104	0		408,104	
Indirect Distribution Costs	300,896	352,793	0		352,793	
Public Affairs	15,114	17,591	0		17,591	
D of I Prorata	10,020	14,212	0		14,212	
Consumer Relations Division	11,989	33,195	0		33,195	
OPP Support Services	448	471	0		471	
Facilities Operations	166,323	211,039	0		211,039	
General Expense	58,832	47,554	1,575		45,979	
Communication	8,686	29,200	890		28,310	
Division of Investigation	341,690	294,525	0		294,525	
Statewide Pro Rata	193,601	211,637	0		211,637	
Data Proc (Maint,Supplies,Cont)	27,654	7,072	0		7,072	
Interagency Services (OER IACs)	205,304	235,568	0		235,568	
TOTAL FIXED EXPENSES	3,706,212	4,213,751	328,269		3,885,482	0.0%
		, ,				
NON-FIXED EXPENSES (Dis	•					
Temp Help (907)(Seasonals)	44,576	105	0		105	
Overtime	9,587	7,533	0		7,533	
Printing	74,714	101,847	271		101,576	
Postage	58,963	112,435	180		112,255	
Travel, In State	107,417	94,450	0		94,450	
Travel, Out-of-State	3,010	3,500	0		3,500	
Training	12,612	19,730	850		18,880	
C&P Services - Interdepartmental	0	14,360	0		14,360	
C&P Services-External Contracts	85,429	10,553	0		10,553	
Consolidated Data Services	1,782	23,437	0		23,437	
EXAM EXPENSES		0.5.5.0	12.050		00.00=	
Exam Site Rental	108,523	95,769	12,870		82,899	
Exam Contract (PSI) (404.00)	352,630	400,278	56,077		344,201	
Expert Examiners (404.01)	326,525	283,818			283,818	
ENFORCEMENT		410 515	100 150		242.20:	
Attorney General	449,616	443,542	100,158		343,384	
Office of Admin. Hearing	66,380	104,568	9,529		95,039	
Court Reporters	6,737	0	199		(199)	
Evidence/Witness Fees	42,594	68,570	6,771		61,799	
Minor Equipment (226)	33,938	33,800	0		33,800	
Major Equipment (Replace/Addit)	0	5,000	106,004		5,000	0.00
TOTAL DISCRETIONARY EXPENSES	1,730,870	1,823,295	186,904		1,636,391	0.0%
TOTAL EXPENDITURES	5,437,082	\$6,037,046	\$515,173	\$0	\$5,521,873	

BOARD OF BEHAVIORAL SCIENCES Analysis of Fund Condition

(Dollars in Thousands)

NOTE: \$6.0 Million General Fund Repayment Outstanding

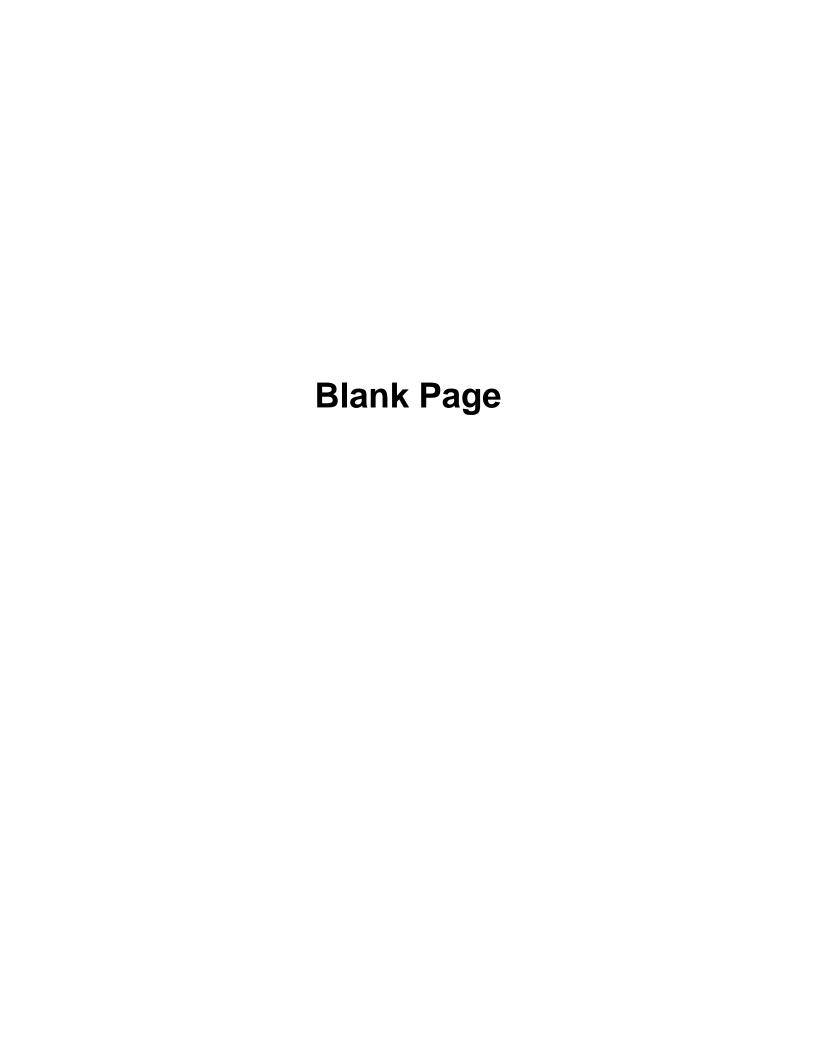
		Actual 2007-08	2	008-09	2	009-10	2	010-11	2	011-12
BEGINNING BALANCE	\$	6,273	\$	7,049	\$	3,265	\$	2,363	\$	1,336
Prior Year Adjustment	\$	-	\$	-	\$	-	\$	-	\$	-
TOTAL ADJUSTED RESERVES	\$	6,273	\$	7,049	\$	3,265	\$	2,363	\$	1,336
REVENUES AND TRANSFERS										
Revenues:										
Fees	\$	5,737	\$	5,468	\$	5,468	\$	5,468	\$	5,468
Interest	\$	295	\$	108	\$	146	\$	113	\$	73
Totals, Revenues	\$	6,032	\$	5,576	\$	5,614	\$	5,581	\$	5,541
Transfers from Other Funds										
F00683 Teale Data Center	\$	-	\$	-	\$	-	\$	-	\$	-
Tranfers to Other Funds										
General Fund Loan				(3000)						
TOTAL REVENUES AND TRANSFERS	\$	6,032	\$	2,576	\$	5,614	\$	5,581	\$	5,541
TOTAL RESOURCES	\$	12,366	\$	9,625	\$	8,879	\$	7,944	\$	6,877
EXPENDITURES Disbursements:										
State Controller (State Operations)	\$	5	\$	4	\$	-	\$	_	\$	_
Program Expenditures (State Operations)	\$	5,312	\$	6,024	\$	6,144	\$	6,267	\$	6,393
Projected Expenses (BCPs)	•	- , -	\$	332	\$	372	\$	116	\$	121
ТОТА	\$	5,317	\$	6,360	\$	6,516	\$	6,383	\$	6,514
FUND BALANCE										
Reserve for economic uncertainties	\$	7,049	\$	3,265	\$	2,363	\$	1,561	\$	363
Months in Reserve		13.3		6.0		4.4		3.0		0.7

NOTES:

ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 20010-11

MHSA EXPENDITURE REPORT FY 2008/2009

	2007/08		FY 2008/09						
OBJECT DESCRIPTION	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 9/18/08	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE	% OF TOTAL BUDGET			
FIXED EXPENSES (Non-Discretionary)									
PERSONAL SERVICES									
Salary & Wages (Civ Svc Perm)	35,055	64,000	0		64,000				
Totals Staff Benefits	14,356	26,511	0		26,511				
Salary Savings		(3,083)			(3,083)				
OPERATING EXPENSES & EQUIP									
Facilities Operations	1,330	2,000	0		2,000				
General Expense	926	5,772	0		5,772				
Communication	0	1,000	0		1,000				
TOTAL FIXED EXPENSES	51,667	96,200	0		96,200	0.0%			
NON-FIXED EXPENSES (Discretionary)									
Printing	0	800	0		800				
Postage	0	800	0		800				
Travel, In State	2,515	200	0		200				
Training	550	1,000	0		1,000				
Minor Equipment (226)	2,899	0	0		0				
C&P Svcs - External (402)	,	200,000	0		200,000				
TOTAL DISCRETIONARY EXPENSES	5,964	202,800	0		202,800	0.0%			
TOTAL EXPENDITURES	57,631	\$299,000	\$0		\$299,000				







1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Policy and Advocacy Committee Date: October 1, 2008

From: Tracy Rhine Telephone: (916) 574-7847

Legislation Analyst

Subject: Legislation Update

BOARD-SPONSORED LEGISLATION

CHAPTERED BILLS

AB 1897 (Emmerson) Acceptance of Approved Schools

This bill allows the Board to accept degrees for Marriage and family Therapist (MFT) Intern registration or for MFT licensure from the following:

- Schools accredited by regional accrediting bodies that are equivalent to Western Association of Schools and Colleges (WASC); and,
- Schools that were approved by BPPVE (as of June 30, 2007) through December 11, 2011.

BILLS VETOED BY THE GOVERNOR

SB 1218 (Correa) MFT Educational Requirements

This bill would have made a number of changes relating to the education requirements of MFTs, including:

- Permits MFT Interns to gain a portion of the required supervision via teleconferencing;
- Allows applicants to count experience for performing "client centered advocacy" activities toward licensure as a MFT;
- Requires applicants for MFT licensure to submit W-2 forms and verification of volunteer employment for each setting in which the applicant gained experience;
- Increases the graduate degree's total unit requirement from 48 to 60 semester units (72 to 90 quarter units);
- Increases the practicum by three semester units and 75 face-to-face counseling and client centered advocacy hours;
- Provides more flexibility in the degree program by requiring fewer specific hours or units for particular coursework, allowing for innovation in curriculum design; and,

 Deletes the requirement that an applicant licensed as an MFT for less than two years in another state to complete 250 hours of experience in California as an intern prior to applying for licensure.

VETO MESSAGE:

I am returning Senate Bill 1218 without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

SB 1779 (Committee on Business, Professions and Economic Development) Omnibus Bill

This proposal would have made several substantive and non substantive changes to the statutes relating to the Board, including:

- Enforcement
 - Prohibits the board from publishing on the internet for more than five years the final determination of a citation and fine of one thousand five hundred dollars (\$1,500) or less against a registrant or licensee.
- Marriage and Family Therapist Act Title
 Adds the following title to Chapter 13 of Division 2 of the Business and Professions
 Code: "This chapter shall be known, and may be cited, as the Marriage and Family
 Therapist Act."
- Out-of-State Licensed Clinical Social Worker (LCSW) Eligibility
 Makes a technical change to language relating to eligibility for out of state LCSW applicants that clarifies that an applicant must currently hold a valid license from another state at the time of application.
- MFT Experience Requirements
 Clarifies that no hours of experience gained more than six years prior to the date of application for MFT examination eligibility can be counted towards the experience requirements.
- Unprofessional Conduct
 Adds to the provisions of unprofessional conduct for all licensees the act of subverting or attempting to subvert any licensing examination or the administration of an examination.
 - Deletes the following language from the unprofessional conduct statutes:
 Conviction of more than one misdemeanor or any felony involving the use,
 consumption, or self-administration of any of the substances or any combination thereof.
 - Adds to the unprofessional conduct statute for LEP's failure to comply with telemedicine statute.
- Associate Clinical Social Worker (ASW) Supervision
 Permits ASWs to gain up to 30 hours of direct supervisor contact via videoconferencing and allows group supervision to be provided in one-hour increments, as long as both increments (full two hours) are provided in the same week as the experience claimed.
- Miscellaneous Provisions
 Repeals code sections containing obsolete language

VETO MESSAGE:

I am returning Senate Bill 1779 without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

BILLS THAT THE BOARD IS MONITORING

CHAPTERED BILLS

SB 164 (Smyth) Immunity for Marriage and Family Therapy Schools

This bill provides a qualified immunity for persons who communicate with a marriage and family therapy school, when the communication is intended to aid in the evaluation of the qualifications, fitness, character or insurability of the healing arts practitioner. The board's Policy and Advocacy Committee recommended a position of "support" to the full board, who, at its meeting on May 30, 2008, adopted the committee's recommendation. *Chapter 23, Statutes of 2008.*

AB 1922 (Hernandez) Peer Review

This bill adds MFTs and LCSWs to the list of healing arts practitioners defined as 'licentiates' under the peer review statutes relating to notice of final proposed action. The board's Policy and Advocacy Committee recommended a position of "support" to the full board, who, at its meeting on May 30, 2008, adopted the committee's recommendation. *Chapter 25, Statutes of 2008.*

SB 797 (Ridley-Thomas) Unprofessional Conduct; Statute of Limitations

This bill would permit the board to discipline a licensee or deny a license for certain sexual acts with a minor that occurred prior to the person being licensed. Currently, when a complaint is received regarding a person who is not yet registered or licensed with the board, the board can investigate and deny a registration or license, if warranted. However when a complaint is received regarding conduct prior to licensure <u>after</u> a person becomes licensed, the board cannot take any action. This legislation would correct this problem in cases where sexual misconduct with a minor is alleged, and only when there is corroborating evidence. This bill also would create a different statute of limitations for these types of complaints, and would require the board to file an accusation within three years. This bill also proposes a number of substantive and technical changes pertaining to programs and boards in the Department of Consumer Affairs. *Chapter 33, Statutes of 2008.*

SB 963 (Ridley-Thomas) Oversight of DCA Boards and Bureaus

This bill extends the sunset date of the board from July 1, 2009 to January 1, 2011.

BILLS VETOED BYTHE GOVERNOR

AB 239 (DeSaulnier) Alcoholism and Drug Abuse Counselors

This bill provides for the regulation and licensure of alcoholism and drug abuse counselors by the board. The Policy and Advocacy Committee considered AB 1367 (DeSaulnier), with similar content to this bill, for a position recommendation on January 18, 2008. The committee did not adopt a formal recommendation to the board and asked for more information to be provided at the next committee meeting. However, AB 1367 failed to pass out of Assembly Appropriations Committee in April and was no longer viable when the Policy and Advocacy Committee met next on April 11, 2008.

AB 239, was gutted of previous content on April 9, 2008 and amended to create licensure for alcoholism and drug abuse counselors. The current version of this bill includes many amendments taken by the sponsors to address issues discussed at the January Policy and Advocacy Committee meeting. The full board did not take a position on this legislation during its discussion of the bill on May 30, 2008, but instead tabled the discussion until the next meeting.

AB 1887 (Beall) Mental Health Parity

This bill requires health care service plan contracts which provide hospital, medical, or surgical coverage, and health insurance policies issued, amended or renewed on or after January 1, 2009 to provide coverage for the diagnosis and treatment of mental illness of a person of any age under the terms and conditions applied to other medical conditions. The board's Policy and Advocacy Committee recommended a position of "support" to the full board, who, at its meeting on May 30, 2008, adopted the committee's recommendation.

AB 2543 (Berg) Geriatric and Gerontology Workforce Expansion Act

This bill establishes the California Geriatric Social Workers and Marriage and Family Therapists Loan Assistance Program of 2008. This program would provide loan assistance to MFTs, LCSWs, ACSWs and MFT Interns who provide geriatric service in California. Funds for the loan repayment program would be derived from a \$10 surcharge added to licensure issuance and renewal fees. The board's Policy and Advocacy Committee recommended a position of "support if amended" to the full board, who, at its meeting on May 30, 2008, adopted the committee's recommendation. The author has substantially amended the bill at the board's request to make the proposed program use the current Licensed Mental Health Service Provider Education Program.

SB 823 (Perata) Private, Postsecondary and Vocational Education

This bill would create a new regulatory structure and a new bureau within the Department of Consumer Affairs to regulate private postsecondary education. The Board has not taken a position on this legislation.

BILLS THAT FAILED PASSAGE

AB 1486 (Calderon) Licensed Professionals Counselors

This bill provides for the licensure and regulation of Professional Counselors by the board. Although the board adopted a position of support on this bill last year, the Policy and Advocacy recommended at its April meeting to recommend a new position of "support of amended." The Policy and Advocacy Committee recommended that the board support the bill only if the author made amendments to the bill to make the education curriculum consistent by those contained in SB 1218 (Correa). The full board adopted the "support if amended" position on May 30, 2008. The bill has been substantially amended upon the Board's request and now has consistent education requirement to those contained in SB 1218 for MFTs. Status: This bill WAS HELD IN Senate Appropriations Committee.

AB 1925 (Eng) License Suspension for Unpaid Tax Liabilities

This bill allows the franchise tax Board (FTB) to suspend a license issued by the board if the licensee has failed to pay taxes for which a notice of state tax lien has been recorded by the county recorder's office. The board's Policy and Advocacy Committee recommended a position of "oppose unless amended" to the full board, who, at its meeting on May 30, 2008, adopted the committee's recommendation. The board has asked the author to amend the bill to allow the licensing entity that issued the license (the board) to suspend the license of an individual with outstanding tax liabilities. Status: This bill WAS HELD IN Senate Revenue and Taxation Committee.





1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

To: Policy and Advocacy Committee Members Date: September 22, 2008

From: Tracy Rhine Telephone: (916) 574-7847

Legislative Analyst

Subject: Rulemaking Update

PENDING REGULATORY PROPOSALS

Title 16, CCR Section 1832.5, Acceptance of Degrees from Approved Institutions

This regulation would permit the Board to recognize applicants for MFT licensure and MFT intern registration who obtain a degree from a BPPVE – approved school between January 1, 2009 and June 30, 2012, as long as the school held an approval to operate as of June 30, 2007. The board approved the proposed text at its meeting on May 30, 2008. Two hearings for public comment relating to the proposed regulation were held in Sacramento on August 4, 2008 and September 8, 2008. The public comment period closed September 13, 2008. The final rulemaking package will be brought before the board for discussion and possible action October 10, 2008.

Title 16, CCR Section 1887.2, Exceptions to Continuing Education Requirements

This regulation sets forth continuing education (CE) exception criteria for MFT and LCSW license renewals. This proposal would amend the language in order to clarify and better facilitate the request for exception from the CE requirement. The board approved the originally proposed text at its meeting on May 31, 2007. This proposed regulation will be incorporated into the rulemaking package relating to continuing education requirements for Licensed Educational Psychologist that is scheduled for discussion and possible action at the November 18, 2008 board meeting.

<u>Title 16, CCR Sections 1887, 1887.2, 1887.3, and 1887.7, Minor Clean-Up of Continuing Education Regulations</u>

This proposal would make minor clean-up amendments to continuing education regulations. The Board approved the originally proposed text at its meeting on May 31, 2007. No further action has been taken due to staff workload considerations.

RELATED REGULATORY PROPOSALS

<u>Title 5, CCR Section 3065, California State Board of Education proposed regulation relating to psychological services provided in nonpublic schools.</u>

Board staff became aware of regulations proposed by the California State Board of Education (SBE) that would, among other things, significantly restrict the roles and functions of licensed clinical social workers, marriage and family therapists and licensed educational psychologists in private schools. The board approved a letter in response to the proposed rulemaking at its May 29, 2008 meeting.

A 15-day notice of modification to text of the proposed regulation was posted on September 11, 2008 by SBE. In response to comments received on the proposed regulation during the 45-day public comment period, changes were made to the original text of the proposal. This notice allows an extended comment period of 15-days on the modification to the proposed regulation.

Specifically, as it relates to the concerns of the board as presented in the letter drafted by staff to SBE, the following changes have been made:

- Defines "psychological services" to mean methods including, but not limited to, procedures on interviewing, psycho-educational assessment, diagnosis of specific learning and behavioral disabilities, and amelioration of learning and behavioral problems of individuals or groups through applied psychotherapy. The original proposed language defined psychological services as practices that were within the scope of psychologists only.
- Allows licensed educational psychologists, marriage and family therapists and licensed clinical social workers to provide psychological services in nonpublic schools. The original proposed language allowed only psychologists to render psychological services in nonpublic schools.

Staff and board counsel have reviewed the changes and believe that the board's concerns have been addressed through the modifications made by SBE.

<u>Attachments</u>

Board response letter to proposed regulation 15-day notice of modifications to text of proposed regulation Revised proposal language

BOARD OF BEHAVIORAL SCIENCES MFT WRITTEN EXAMINATION STATISTICS 1/1/08 - 6/30/08

TOTAL	1ST TIME	2ND TIME	3RD TIME	4TH + TIME
EXAMINEES	TAKERS	TAKERS	TAKERS	TAKERS
1,126 Participated	712 Participated	172 Participated	69 Participated	173 Participated
753 Passed	584 Passed	96 Passed	34 Passed	39 Passed
(67%)	(82%)	(56%)	(49%)	(23%)
373 Failed	128 Failed	76 Failed	35 Failed	134 Failed
(33%)	(18%)	(44%)	(51%)	(77%)

BOARD OF BEHAVIORAL SCIENCES MFT WRITTEN EXAMINATION STATISTICS

1/1/08 - 6/30/08

ACCREDITED UNIVERSITIES	PASS	FAIL	% PASSED	1ST TIME PASS	E TAKERS FAIL	% PASSED 1ST TIME
California Polytechnic State University	4	0	100%	4	0	100%
CSU, Bakersfield	4	1	80%	2	0	100%
CSU, Chico	5	2	71%	4	0	100%
CSU, Dominguez Hills	6	4	60%	5	2	71%
CSU, Fresno	16	8	67%	14	2	88%
CSU, Fullerton	28	12	70%	20	6	77%
CSU, Hayward	10	10	50%	8	4	67%
CSU, Long Beach	6	2	75%	3	2	60%
CSU, Los Angeles	5	8	38%	5	4	56%
CSU, Northridge	17	14	55%	15	1	94%
CSU, Sacramento	11	6	65%	9	2	82%
CSU, San Bernardino	4	1	80%	4	1	80%
CSU, Stanislaus	3	1	75%	2	0	100%
San Diego State University	5	2	71%	4	0	100%
Humboldt State University	2	0	100%	1	0	100%
San Francisco State University	19	0	100%	17	0	100%
San Jose State University	1	0	100%	1	0	100%
Sonoma State University	6	1	86%	5	0	100%
California State Polytechnic Univ.	4	0	100%	2	0	100%
Azusa Pacific University	8	9	47%	4	2	67%
California Baptist College	10	7	59%	5	2	71%
Phillips Graduate Institute	41	24	63%	22	9	71%
California Inst. of Integral Studies	29	5	85%	24	5	83%
California Lutheran University	6	1	86%	3	1	75%
Chapman University	25	7	78%	18	2	90%
College of Notre Dame	19	9	68%	16	3	84%
Dominican University of California	5	0	100%	4	0	100%
Fuller Theological Seminary	11	2	85%	9	2	82%
Holy Names University	3	2	60%	3	0	100%

ACCREDITED UNIVERSITIES	PASS	FAIL	% PASSED	1ST TIMI PASS	E TAKERS FAIL	% PASSED 1ST TIME
John F. Kennedy University	50	19	72%	39	9	81%
Loma Linda University	6	3	67%	5	1	83%
Loyola Marymount University	7	2	78%	7	0	100%
Mennonite Brethren Biblical Seminary	1	0	100%	1	0	100%
Mount St. Mary's College	0	2	0%	0	2	0%
National University	48	61	44%	37	10	79%
New College of California	12	6	67%	9	2	82%
Hope International University	2	2	50%	1	0	100%
Pacific Oaks College	8	8	50%	4	1	80%
Pepperdine University	42	17	71%	36	6	86%
St. Mary's College of California	3	2	60%	2	0	100%
Saybrook Institute	1	0	100%	1	0	100%
Alliant International University	13	8	62%	12	2	86%
University of La Verne	5	5	50%	4	2	67%
University of San Diego	7	2	78%	6	0	100%
University of San Francisco	25	19	57%	17	4	81%
Santa Clara University	18	4	82%	15	2	88%
University of Southern California	7	1	88%	4	0	100%
University of the Pacific*	1	1	50%	0	0	0%
Golden Gate University	4	0	100%	3	0	100%
Bethel Theological Seminary	3	1	75%	2	0	100%
Pacifica Graduate Institute	9	4	69%	8	4	67%
Institute for Transpersonal Psych.	4	0	100%	1	0	100%
Vanguard University	6	1	86%	5	1	83%
Antioch University, Los Angeles	37	24	61%	33	12	73%
Antioch University, Santa Barbara	11	3	79%	9	0	100%

APPROVED UNIVERSITIES	PASS	FAIL	% PASSED	1ST TIMI PASS	E TAKERS FAIL	% PASSED 1ST TIME
Trinity College of Graduate Studies	7	3	70%	5	1	83%
California Graduate Institute	3	2	60%	2	1	67%
Argosy University	11	2	85%	8	1	89%
Professional School of Psychology	6	1	86%	4	0	100%
Rosebridge Graduate School*	0	0	0%	0	0	0%
Ryokan College	6	1	86%	4	0	100%
Sierra University*	0	1	0%	0	0	0%
World University	0	0	0%	0	0	0%
Western Seminary	3	1	75%	3	1	75%
American Behavioral Studies Institute*	3	0	100%	1	0	100%
University of Phoenix, San Diego	4	3	57%	2	1	67%
Southern California Seminary	4	2	67%	3	1	75%
University of Phoenix, Sacramento	5	5	50%	3	2	60%
Remington College*	1	0	100%	1	0	100%
University of Santa Monica	5	2	71%	5	1	83%
San Diego University for Integrative Studies	1	0	100%	1	0	100%
Santa Barbara Graduate Institute	0	0	0%	0	0	0%
California Southern University	0	0	0%	0	0	0%
HIS University	1	0	100%	0	0	0%
Institute of Imaginal Studies	5	0	100%	5	0	100%
Antioch University, San Francisco	0	1	0%	0	0	0%
OUT-OF-STATE UNIVERSITIES	41	13	76%	28	6	82%
OUT-OF-COUNTRY UNIVERSITIES	1	2	33%	1	1	50%

1,122 PARTICIPATED 750 PASSED (67%) 372 FAILED (33%)

^{*}No longer has MFT program

BOARD OF BEHAVIORAL SCIENCES MFT WRITTEN CLINICAL VIGNETTE 1/1/08 - 6/30/08

TOTAL	1ST TIME	2ND TIME	3RD TIME	4TH + TIME
EXAMINEES	TAKERS	TAKERS	TAKERS	TAKERS
1125 Participated	689 Participated	206 Participated	84 Participated	146 Participated
752 Passed	519 Passed	126 Passed	51 Passed	56 Passed
(67%)	(75%)	(61%)	(61%)	(38%)
373 Failed	170 Failed	80 Failed	33 Failed	90 Failed
(33%)	(25%)	(39%)	(39%)	(62%)

MFT WRITTEN CLINICAL VIGNETTE 1/1/08 - 6/30/08

	1, 1, 00	- 0/30/	TOTAL	1 9 T	TIME	% PASSED
ACCREDITED UNIVERSITIES	PASS FAIL		% PASSE D		S PASS FAIL	1ST TIME
California Polytechnic State	5	2	71%	4	0	100%
CSU, Bakersfield	9	5	64%	3	2	60%
CSU, Chico	9	3	75%	5	1	83%
CSU, Dominguez Hills	7	9	44%	6	5	55%
CSU, Fresno	15	8	65%	11	6	65%
CSU, Fullerton	31	7	82%	23	2	92%
CSU, Hayward	18	8	69%	11	3	79%
CSU, Long Beach	12	3	80%	9	3	75%
CSU, Los Angeles	7	5	58%	5	1	83%
CSU, Northridge	19	11	63%	9	6	60%
CSU, Sacramento	8	11	58%	6	6	50%
CSU, San Bernardino	4	0	100%	4	0	100%
CSU, Stanislaus	2	0	100%	1	0	100%
Humboldt State University	1	1	50%	1	1	50%
San Diego State University	5	2	71%	4	1	80%
San Francisco State University	17	6	74%	15	2	88%
San Jose State University	2	1	67%	1	0	100%
Sonoma State University	5	4	56%	5	3	63%
California State Polytechnic University	4	1	80%	4	1	80%
Azusa Pacific University	7	8	47%	3	4	43%
Calif. Baptist University	9	5	64%	7	2	78%
Phillips Graduate Institute	36	15	71%	24	8	75%
Calif. Institute of Integral Studies	32	5	86%	23	2	92%
Calif. Lutheran University	0	2	0%	0	0	0%
Chapman University	28	11	72%	16	5	76%
College of Notre Dame	20	7	74%	12	2	86%
Dominican University of California	7	2	78%	6	0	100%
Fuller Theological Seminary	15	4	79%	8	2	80%
Holy Names College	2	2	50%	1	1	50%
John F. Kennedy University	43	23	65%	30	14	68%
Loma Linda University	4	2	67%	2	1	67%

Loyola Marymount	12	0	100%	8	0	100%
Mennonite Brethren Biblical Seminary	2	1	67%	2	1	67%
Mount St. Mary's College	4	0	100%	2	0	100%
National University	29	34	46%	14	14	50%
New College of California	11	5	69%	7	2	78%
Hope International University	0	7	0%	0	3	0%
Pacific Oaks College	9	3	75%	6	1	86%
Pepperdine University	53	19	74%	41	9	72%
St. Mary's College of California	3	2	60%	2	2	50%
Saybrook Institute	1	0	100%	1	0	100%
Alliant International University	14	3	82%	8	1	89%
University of La Verne	5	3	63%	2	3	40%
University of San Diego	11	2	85%	7	0	100%
University of San Francisco	30	17	64%	20	5	80%
Santa Clara University	11	8	58%	7	2	78%
University of Southern California	5	2	71%	3	2	60%
University of the Pacific*	0	1	0%	0	1	0%
Pacific Graduate School of Psychology*	0	0	0%	0	0	0%
Golden Gate University	2	0	100%	1	0	100%
Bethel Theological Seminary	5	0	100%	4	0	100%
Pacifica Graduate Institute	13	3	81%	8	1	89%
Institute of Transpersonal Psych.	4	2	67%	4	1	80%
Vanguard University of Southern California	1	2	33%	0	1	0%
Antioch University, Los Angels	40	22	65%	25	7	78%
Antioch University, Santa Barbara	16	5	76%	11	1	92%

APPROVED UNIVERSITIES	PASS FAIL		TOTAL % PASSE D	1ST TIME TAKERS PASS FAIL		% PASSED 1ST TIME
Trinity College of Graduate Studies	7	3	70%	3	1	75%
California Graduate Institute	7	4	64%	3	1	75%
Argosy University	6	4	60%	5	2	71%
Professional School of Psychology	5	1	83%	4	1	80%
Ryokan College	5	4	56%	4	1	80%
Western Institute for Social Research	2	2	50%	2	1	67%
Institute of Imaginal Studies	2	2	50%	2	1	67%
Western Seminary	8	5	62%	7	3	70%
American Behavioral Studies Institute*	2	0	100%	1	0	100%
University of Phoenix, San Diego	2	2	50%	0	1	0%
Southern California Seminary	2	2	50%	2	1	67%
University of Phoenix, Sacramento	5	2	71%	5	2	71%
University of Santa Monica	4	2	67%	3	1	75%
Remington College*	2	0	100%	2	0	100%
San Diego Institute for Integrative Studies	2	0	100%	2	0	100%
OUT-OF-STATE UNIVERSITIES	24	24	50%	17	13	57%
OUT-OF-COUNTRY UNIVERSITIES	2	0	100%	1	0	100%

*No longer has MFT Program

1123 Participated 752 Passed (67%) 371 Failed (33%)

BOARD OF BEHAVIORAL SCIENCES LCSW WRITTEN EXAMINATION STATISTICS

1/1/08 - 6/30/08

TOTAL	1ST TIME	2ND TIME	3RD TIME	4TH + TIME
EXAMINEES	TAKERS	TAKERS	TAKERS	TAKERS
897 Participated	524 Participated	129 Participated	118 Participated	126 Participated
539 Passed	391 Passed	63 Passed	54 Passed	31 Passed
(60%)	(75%)	(49%)	(46%)	(25%)
358 Failed	133 Failed	66 Failed	64 Failed	95 Failed
(40%)	(25%)	(51%)	(54%)	(75%)

BOARD OF BEHAVIORAL SCIENCES LCSW WRITTEN EXAMINATION STATISTICS

1/1/08 - 6/30/08

ACCREDITED UNIVERSITIES	PASS FAIL		% PASSED	1ST TIME TAKERS PASS FAIL		% PASSED 1ST TIME
CSU, Bakersfield	2	3	40%	2	1	67%
CSU, Chico	3	3	50%	2	3	40%
CSU, Fresno	14	27	34%	8	7	53%
CSU, Hayward	1	0	100%	1	0	100%
CSU, Long Beach	63	46	58%	38	12	76%
CSU, Los Angeles	14	18	44%	11	6	65%
CSU, Sacramento	37	37	50%	26	15	63%
CSU, San Bernardino	21	11	66%	11	4	73%
CSU, Stanislaus	7	14	33%	5	5	50%
San Diego State University	43	7	86%	29	2	94%
San Francisco State University	20	22	48%	11	9	55%
San Jose State University	37	22	63%	28	11	72%
UC, Berkeley	25	7	78%	21	2	91%
UC, Los Angeles	24	13	65%	20	7	74%
Loma Linda University	8	9	47%	5	4	56%
University of Southern California		38	66%	52	13	80%
OUT-OF-STATE UNIVERSITIES	138	75	65%	107	31	78%
OUT-OF-COUNTRY UNIVERSITIES	4	6	40%	4	1	80%

893 PARTICIPATED 535 PASSED (60%) 358 FAILED (40%)

BOARD OF BEHAVIORAL SCIENCES LCSW WRITTEN CLINICAL VIGNETTE

1/1/08 - 6/30/08

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
775 Participated	443 Participated	175 Participated	83 Participated	74 Participated
331 Passed (43%)	205 Passed	67 Passed	35 Passed	24 Passed
	(46%)	(38%)	(42%)	(32%)
444 Failed	238 Failed	108 Failed	48 Failed	50 Failed
(57%)	(54%)	(62%)	(58%)	(68%)

BOARD OF BEHAVIORAL SCIENCES LCSW WRITTEN CLINICAL VIGNETTE

1/1/08 - 6/30/08

UNIVERSITIES	Total Pass	Total Fail	% 1 st Time Ta		Takers Fail	% Passed 1 st Time
CSU, Bakersfield	0	3	0%	0	1	0%
CSU, Fresno	11	19	37%	8	9	47%
CSU, Hayward	0	1	0%	0	1	0%
CSU, Long Beach	42	51	45%	24	25	49%
CSU, Los Angeles	0	7	0%	0	4	0%
CSU, Sacramento	17	36	32%	7	15	32%
CSU, San Bernardino	7	13	35%	2	7	22%
CSU, Stanislaus	5	5	50%	2	3	40%
San Diego State	20	26	43%	12	11	52%
San Francisco State	4	18	18%	2	10	17%
San Jose State	22	27	45%	13	18	42%
UC, Berkeley	25	18	58%	15	12	56%
UCLA	18	25	42%	13	16	45%
Loma Linda University	3	5	38%	2	1	67%
USC	44	64	41%	28	33	46%
Out-of-State	111	124	47%	75	69	52%
Out-of-Country	2	1	67%	1	0	100%

774 PARTICIPATED 331 PASSED (43%) 443 FAILED (57%)

BOARD OF BEHAVIORAL SCIENCES LEP WRITTEN EXAMINATION STATISTICS 1/1/08 - 6/30/08

TOTAL	1ST TIME	2ND TIME	3RD TIME	4TH + TIME
EXAMINEES	TAKERS	TAKERS	TAKERS	TAKERS
72 Participated	61 Participated	5 Participated	2 Participated	4 Participated
57 Passed	48 Passed	5 Passed	1 Passed	3 Passed
(79%)	(79%)	(100%)	(50%)	(75%)
15 Failed	13 Failed	0 Failed	1 Failed	1 Failed
(21%)	(21%)	(0%)	(50%)	(25%)

BOARD OF BEHAVIORAL SCIENCES LEP WRITTEN EXAM STATS

1/1/08 - 6/30/08

SCHOOL	PASS	FAIL	TOTAL % PASSED	1ST TIME PASS	TAKERS	% PASSED 1ST TIME
CSU, Chico	1	0	100%	1	0	100%
CSU, Dominguez Hills	2	1	67%	2	0	100%
CSU, Fullerton	3	0	100%	3	0	100%
CSU, Hayward	3	1	75%	2	1	67%
CSU, Long Beach	2	3	40%	2	3	40%
CSU, Los Angeles	3	1	75%	3	1	75%
CSU, Northridge	9	1	90%	9	1	90%
CSU. Sacramento	5	0	100%	5	0	100%
Alliant International University (CSPP)	1	0	100%	1	0	100%
Alliant International University (US International)	3	0	100%	3	0	100%
Azusa Pacific University	4	2	67%	3	2	60%
Chapman University	4	0	100%	4	0	100%
Fresno Pacific University	1	0	100%	1	0	100%
Humboldt State University	1	0	100%	1	0	100%
Loyola Marymount University	3	1	75%	2	1	67%
National University	5	2	71%	2	1	67%
New College of California, San Francisco	0	1	0%	0	1	0%
San Diego State University	1	0	100%	1	0	100%
San Francisco State University	1	1	50%	0	1	0%
University of La Verne, La Verne	1	0	100%	1	0	100%
Out-of-State Universities	4	1	80%	3	1	75%

72 PARTICIPATED 57 PASSED (79%) 15 FAILED (21%)